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COMPREHENSIVE PLAN FOR CRIMINAL JUSTICE IMPROVEMENT 1978

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MONTANA

COMPREHENSIVE PLAN

FOR

CRIMINAL JUSTICE IMPROVEMENT

1978

PREPARED BY

MONTANA BOARD OF CRIME CONTROL

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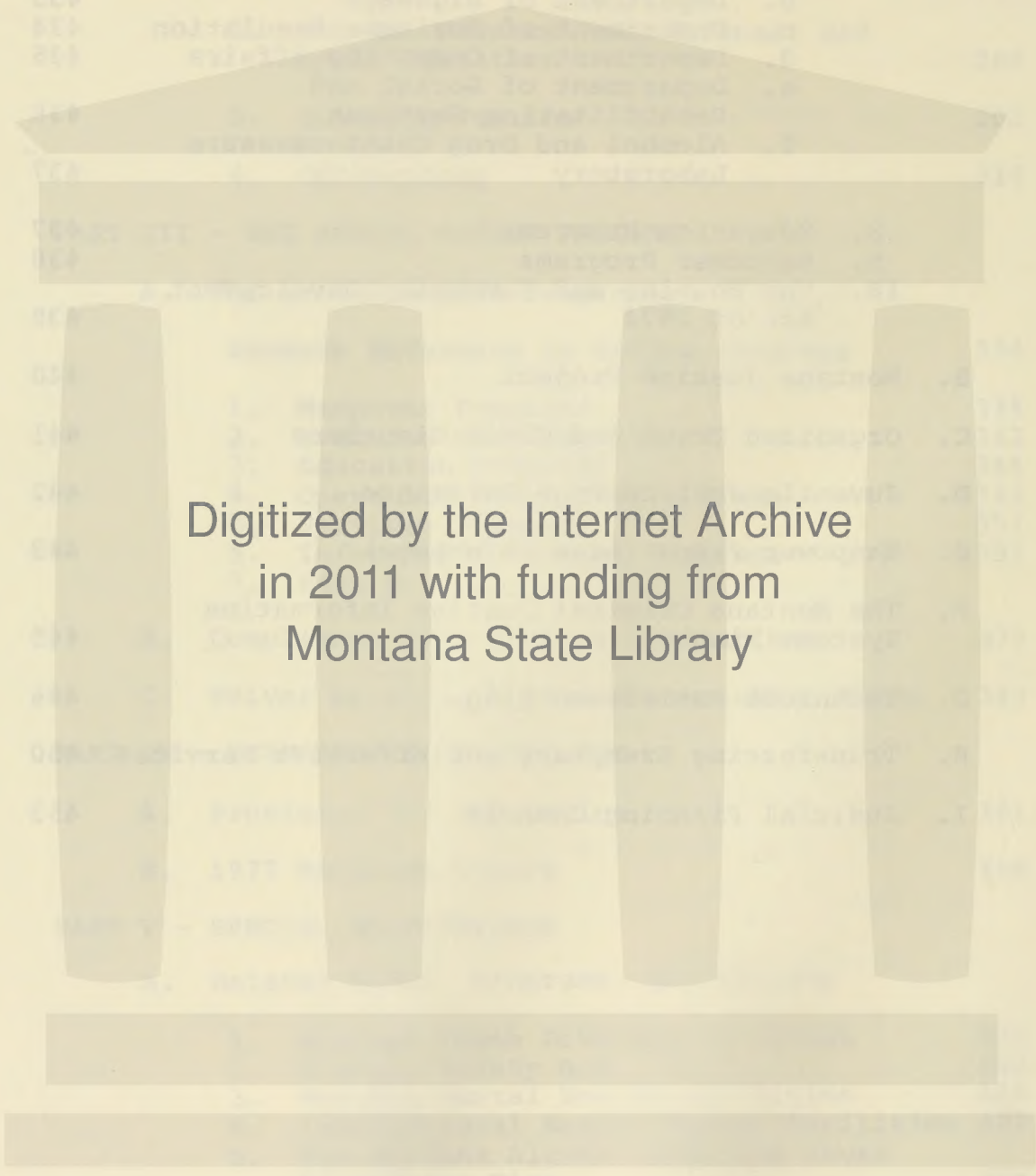

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BOARD OF CRIME CONTROL
1336 HELENA AVENUE
HELENA, MONTANA 59601
TELEPHONE NO. 449-3604

August 19, 1977

IN REPLY REFER TO:

Mr. Joseph Mulvey
Regional Administrator
Law Enforcement Assistance Administration
6324 Federal Building
1961 Stout Street
Denver, Colorado 80202

Dear Mr. Mulvey:

I am pleased to submit Montana's Plan for Criminal Justice Improvement for 1978.

This volume represents the labor of the State Commission, staff, Regional Advisory Councils and numerous other committees and task forces.

This volume also represents the Commission's continued emphasis toward crime-oriented planning, but also demonstrates proposed programs which reflect the individualized needs of certain jurisdictions and agencies.

I look forward to working with you and your staff during the implementation of our plan.

Sincerely,

BOARD OF CRIME CONTROL

Mike

Mike A. Lavin
Administrator

MAL:pmw

Enclosure

OMB APPROVAL PENDING

U. S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

APPLICATION FOR ACTION GRANT

FISCAL YEAR	APPLICANT STATE

APPLICANT: PLEASE CHECK APPROPRIATE STATEMENT(S)

NOTE: NO GRANT SHALL BE AWARDED UNLESS A COMPLETED APPLICATION FORM HAS BEEN RECEIVED (SECT. 303(a) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended).

☐ Application is Hereby Made For a Grant Under Title I, Part C and Part E of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. §3701, et seq., as amended (Pub. L. 90-351, as amended by Pub. L. 93-83, Pub. L. 93-415, Pub. L. 94-430, and Pub. L. 94-503).

☐ Application is Hereby Made for a Grant Under Title II, Part B, Subgrant I of the Juvenile Justice and Delinquency Prevention Act of 1974 (Pub. L. 93-415, 88 Stat. 1109).

STATE PLANNING AGENCY

Montana Board of Crime Control
1336 Helena Avenue
Helena, Montana 59601
(406-449-3604)

AMOUNT OF GRANT REQUEST – PART C

$1,200,000

AMOUNT OF GRANT REQUEST – PART E

$1,200,000

AMOUNT OF GRANT REQUEST – JJDP

PLANNING AGENCY ADMINISTRATOR *(Name, address, zip code, telephone number)*

Mike A. Lavin, Administrator
Montana Board of Crime Control
1336 Helena Avenue
Helena, Montana 59601
(406-449-3604)

FINANCIAL OFFICER *(Name, address, zip code, telephone number)*

(Please check and complete one)

1. THIS APPLICATION IS SUPPORTED BY:

☒ THE ATTACHED REVISED COMPREHENSIVE PLAN DATED July 31, 1977.

☐ THE ATTACHED *(supplement) (amendment)* TO COMPREHENSIVE PLAN DATED _____.

2. THE UNDERSIGNED REPRESENTS, ON BEHALF OF THE APPLICANT THAT:

a. Any grant awarded pursuant to this application shall be subject to and will be administered in conformity with the General Conditions Applicable to Administration of Grants under Part C and Part E, Title I of P. L. 90-351, as amended, as set forth in appendices of the current edition of Guideline Manual M 4100.1.

(Continued on Reverse)

grant awarded pursuant to this application under the Juvenile Justice and Delinquency Prevention of 1974 shall be subject to and will be administered in conformity with guidelines under Title II, [illegible] of Crime Control Act of 1976, as amended, and the Guideline Manual M 4100.1.

2. Funds awarded will be used only for the programs described in the Section entitled "Annual Action Program" as set forth in the approved Comprehensive Law Enforcement Plan or in any amendment thereto duly filed with and approved by the Law Enforcement Assistance Administration.

3. [illegible] of the grant amount of the grant will be used for compensation of police and other regular law enforcement personnel, exclusive of compensation for time engaged in conducting or undergoing training programs, or compensation for personnel engaged in research, development, demonstration or other short-term programs.

Any grant funds so expended for compensation of personnel subject to the one-third limitation will be matched by State or local expenditures for increased personnel compensation of equal amount.

4. The State Planning Agency hereby assures that it will comply with and will insure compliance by its subgrantees and contractors with all applicable nondiscrimination requirements, including but not limited to Section 518(c)(1) of the Crime Control Act of 1976, Title VI of the Civil Rights Act of 1964, Subparts C-E of 28 C.F.R. Part 42, and, where applicable, Section 262(b) of the Juvenile Justice Act, to the end that no person shall, on the ground of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under or be denied employment in connection with any program or activity funded in whole or in part with funds made available through the Law Enforcement Assistance Administration. The State Planning Agency further assures that it will comply with and will insure compliance by its State and local governmental subgrantees with the requirement that in the event that a Federal or State court or Federal or State administrative agency makes a finding of discrimination on the ground of race, color, religion, national origin, or sex against the recipient State or local government unit or agency thereof, it will forward a copy of the finding to the cognizant State Planning Agency and to LEAA. The State Planning Agency further insures that educational institutions comply with the provisions and requirements of Title IX, Section 901, of the Federal Amendments of 1972 (Pub. L. 92-318) which provides that no person shall, on the basis of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving financial assistance from the Department of Justice. The State Planning Agency recognizes the right of the United States to seek judicial enforcement of the foregoing covenants against discrimination, and will include a similar covenant assuring the right of the United States to seek judicial enforcement in its subgrants or contracts.

4. This application (submitted in 10 copies) consists of the following in addition to this form:

Attachment A: List of Action Programs for Which Grant Support Is Requested

Attachment B: General Conditions (See appendices in the current edition of M 4100.1.)

Attachment C: Program Component - Comprehensive Law Enforcement and Criminal Justice Plan

Attachment D: Report of Results and Accomplishments (if option is exercised to submit with the Comprehensive Plan)

SIGNATURE REQUIRED ON ORIGINAL COPY ONLY. USE INK. IF ANOTHER AUTHORIZED STATE SIGNATORY IS REQUIRED FOR THIS GRANT APPLICATION BY STATE LAW OR EXECUTIVE POLICY, THIS SHOULD BE ADDED, INCLUDING A REFERENCE TO POSITION AND TITLE.

SIGNATURE (State Planning Agency Administrator)	DATE	OTHER SIGNATURE, IF REQUIRED BY LAW OR EXECUTIVE POLICY (Title Position and Title)	DATE
[signature]	July 31, 1977		

DOJ

U. S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE
ADMINISTRATION

APPLICATION FOR ACTION GRANT *(P. L. 90-351, as amended, and P. L. 93-415)*

ATTACHMENT A

LIST OF ACTION PROGRAMS FOR WHICH GRANT SUPPORT IS REQUESTED

(Derived from Program Descriptions in the State Plan Annual Action Program)

STATE: MONTANA

1978

SHORT PROGRAM TITLE	SPA CODE	PROGRAM DESCRIPTOR				ESTIMATED TOTAL COST	PART C		PART E		JJDP		PAGE REFERENCE IN PLAN
		PRIMARY FUNCTIONAL ENTITY	PROGRAM THRUST	CLIENT GROUP	CRIME ADDRESSED		LEAA FEDERAL SHARE	STATE LOCAL & OTHER SHARE	LEAA FEDERAL SHARE	STATE LOCAL & OTHER SHARE	LEAA FEDERAL SHARE	STATE LOCAL & OTHER SHARE	
	H-12					27,800	25,000	2,800					
	I-1					15,000	13,500	1,500					
	I-2					80,000	60,000	20,000					
	I-4					112,000	100,000	12,000					
	I-5					8,400	7,500	900					
	I-11					16,700	15,000	1,700					
	P-25					39,000			35,000	4,000			
	P-30					41,700			37,500	4,200			
	P-31					47,300			42,500	4,800			
	J-2					105,600					95,000	10,600	
	J-6					77,800					70,000	7,800	

U. S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE
ADMINISTRATION

APPLICATION FOR ACTION GRANT

ATTACHMENT A

CONTINUATION PAGE
PAGE ___ OF ___

STATE: MONTANA

1978

SHORT PROGRAM TITLE	SPA CODE	PROGRAM DESCRIPTOR				ESTIMATED TOTAL COST	PART C		PART E		JJDP		PAGE REFERENCE IN PLAN
		PRIMARY FUNCTIONAL ENTITY	PROGRAM THRUST	CLIENT GROUP	CRIME ADDRESSED		LEAA FEDERAL SHARE	STATE LOCAL & OTHER SHARE	LEAA FEDERAL SHARE	STATE LOCAL & OTHER SHARE	LEAA FEDERAL SHARE	STATE LOCAL & OTHER SHARE	
	J-7					33,400					30,000	3,400	
Planning						33,400					30,000	3,400	
				COMPLETE TOTALS ON LAST CONTINUATION PAGE ONLY	TOTALS	1,497,400	950,000	169,200	115,000	13,000	225,000	25,200	

LEAA FORM 4402/1 (REV. 3-77) ATTACHMENT A - CONTINUATION PAGE

PREVIOUS EDITION (12-75) OF ATTACHMENT "A" CONTINUATION PAGE CAN BE USED.

DOJ

U. S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

APPLICATION FOR ACTION GRANT *(P. L. 90-351, as amended, and P. L. 93-415)*

ATTACHMENT A

LIST OF ACTION PROGRAMS FOR WHICH GRANT SUPPORT IS REQUESTED

(Derived from Program Descriptions in the State Plan Annual Action Program)

STATE: MONTANA

1978

SHORT PROGRAM TITLE	SPA CODE	PROGRAM DESCRIPTOR				ESTIMATED TOTAL COST	PART C		PART E		JJDP		PAGE REFERENCE IN PLAN
		PRIMARY FUNCTIONAL ENTITY	PROGRAM THRUST	CLIENT GROUP	CRIME ADDRESSED		LEAA FEDERAL SHARE	STATE LOCAL & OTHER SHARE	LEAA FEDERAL SHARE	STATE LOCAL & OTHER SHARE	LEAA FEDERAL SHARE	STATE LOCAL & OTHER SHARE	
	A-1					0	0	-					
	A-2					70,000	35,000	35,000					
	A-3					40,000	20,000	20,000					
	A-5					0	0	-					
	A-23					94,500	85,000	9,500					
	A-24					0	0	-					
	B-4					0	0	-					
	B-5					5,600	5,000	600					
	B-22					27,800	25,000	2,800					
	B-23					22,300	20,000	2,300					
	B-24					27,800	25,000	2,800					

U. S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

APPLICATION FOR ACTION GRANT *(P. L. 90-351, as amended, and P. L. 93-415)*

ATTACHMENT A

LIST OF ACTION PROGRAMS FOR WHICH GRANT SUPPORT IS REQUESTED

(Derived from Program Descriptions in the State Plan Annual Action Program)

STATE: MONTANA

1978

SHORT PROGRAM TITLE	SPA CODE	PROGRAM DESCRIPTOR				ESTIMATED TOTAL COST	PART C		PART E		JJDP		PAGE REFERENCE IN PLAN
		PRIMARY FUNCTIONAL ENTITY	PROGRAM THRUST	CLIENT GROUP	CRIME ADDRESSED		LEAA FEDERAL SHARE	STATE LOCAL & OTHER SHARE	LEAA FEDERAL SHARE	STATE LOCAL & OTHER SHARE	LEAA FEDERAL SHARE	STATE LOCAL & OTHER SHARE	
	C-2					27,800	25,000	2,800					
	D-1					0	0	-					
	D-4					0	0	-					
	E-5					0	0	-					
	F-4					0	0	-					
	G-1					0	0	-					
	G-2					378,400	340,500	37,900					
	G-7					27,800	25,000	2,800					
	H-1					98,300	88,500	9,800					
	H-2					5,600	5,000	600					
	H-11					33,400	30,000	3,400					

LEAA FORM 4402/1 (REV. 3-77) ATTACHMENT "A" PREVIOUS EDITION (12-75) OF ATTACHMENT "A" CAN BE USED. USE CONTINUATION PAGES DOJ

APPENDIX 5. GENERAL GRANT CONDITIONS AND ASSURANCES

1. The applicant State hereby assures and certifies that the State criminal justice planning agency and its subgrantees and contractors will comply with the provisions of the Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. 90-351, as amended by Pub. L. 91-644, Pub. L. 93-83, Pub. L. 93-415, Pub. L. 94-430, and Pub. L. 94-503; and will comply with the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974, Pub. L. 93-415, as amended by Pub. L. 94-503, for activities funded under each Act.

2. The applicant State hereby further assures and certifies that the State criminal justice planning agency and its subgrantees and contractors, where applicable, will comply with the provisions of the National Environmental Policy Act of 1969, Pub. L. 91-190; the National Historic Preservation Act of 1966, Pub. L. 89-665; the Flood Disaster Protection Act of 1973, Pub. L. 93-234; the Clean Air Act, Pub. L. 88-206; the Federal Water Pollution Control Act Amendments of 1972, Pub. L. 92-500; the Safe Drinking Water Act, Pub. L. 93-523; the Endangered Species Act of 1973, Pub. L. 93-205; the Wild and Scenic Rivers Act, Pub. L. 90-542; the Fish and Wildlife Coordination Act, Pub. L. 85-624; the Historical and Archeological Preservation Act, Pub. L. 93-291; the Coastal Zone Management Act of 1972, Pub. L. 92-583; the Hatch Political Activity Act, Pub. L. 93-443; the Animal Welfare Act of 1970, Pub. L. 91-579; the Impoundment Control Act of 1974, Pub. L. 93-344; the Rehabilitation Act of 1973, Pub. L. 93-112; the Intergovernmental Cooperation Act of 1968, Pub. L. 90-577; the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, Pub. L. 91-646; Title VI of the Civil Rights Act of 1964, Pub. L. 88-352; the Joint Funding Simplification Act of 1974, Pub. L. 93-510; the Education Amendments of 1974 (Title IX), Pub. L. 93-318; Executive Orders Nos. 11246, 11375, 11507, 11738, 11752, and 11914; Office of Management and Budget Circulars Nos. A-102 and A-111; FMC Circulars Nos. 74-4 and 74-7 found at 34 C.F.R. Parts 255 and 256 respectively; and all amendments and additions to those statutes, orders, and circulars.

3. In administering funds awarded pursuant to this application, the State will assure compliance with 28 C.F.R. Parts 18, 19, 20, 22, 42, and 52 as they relate to activities funded with LEAA funds; the explanation of General Grant Conditions and Assurances; and the LEAA Guideline Manual M 7100.1A, Financial Management for Planning and Action Grants. The State further represents that it has established policies and provided procedures to assure sound fiscal control, effective management, and efficient use of funds received pursuant to this grant (as required by Sections 302(b)(7), 302(b)(8), 303(a)(12), 309(b)(3), and 309(b)(4) of the Act). The applicant State hereby further assures and certifies that the State criminal justice planning agency and its subgrantees and contractors, as they relate to the application, acceptance, and use of Federal funds for their federally-assisted plan, will comply with the provisions of LEAA Guideline Manuals M 4100.1, State Planning

Agency Grants; G 6060.1A, Medical Research and Psychosurgery; M 7100.1A, Financial Management of Planning and Action Grants; and the attached Appendix--Explanation of General Grant Conditions and Assurances, which provides additional notice and information on the statutes, regulations, and guideline provisions governing LEAA grants, all of which are incorporated herein by this reference.

4. The applicant State assures that there is on file with LEAA an approved comprehensive State plan which is not more than one year in age and which conforms with the purposes and requirements of Title I, of Pub. L. 90-351, as amended. Any Federal funds awarded pursuant to this application will be distributed and expended pursuant to and in accordance with the programs and multi-year fund projections contained in the applicant State's current approved plan and such advance funds will not be awarded for any program not specifically approved and clearly set forth in the current Comprehensive Plan. Any departures therefrom, other than to the extent permitted by the Administration's current program and fiscal regulations and guidelines, will be submitted for advance approval by the Administration. The applicant State has complied with any special grant conditions applicable to planning or action grants previously awarded to the State or, as to those special conditions to which action is not yet due or required; will comply with such conditions within specific deadlines.

5. The applicant State will submit, during the fiscal year of this grant, a revised and updated comprehensive State plan, covering objectives, priorities, and law enforcement and judicial improvement programs and funding projections for calendar year 19__ and the two succeeding calendar years (multi-year component). The updated comprehensive State plan shall contain assurances that it was developed with the participation of citizens and community organizations at all levels of the planning process, as required by Section 203(b)(4) of the Act and that major cities and counties within the State received planning funds to develop comprehensive plans and coordinate functions at the local level, as required by Section 203(f) of the Act. The plan shall set forth policies and procedures to assure that Federal funds made available will be so used as not to supplant State or local funds, but to increase the amounts of such funds that would in the absence of such Federal funds be made available, as required by Sections 303(a)(11) and 453(10) of the Crime Control Act and Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974. The plan shall also contain assurances that availability of Part E funds will not reduce the amount of Part C funds the State would have otherwise allocated for correctional institutions and facilities, as required by Section 453(3) of the Act. As to Part E funds, the plan must contain assurances that control of the funds and title to property derived therefrom shall be in, and administered by, a public agency, pursuant

to Section 453(2) and (3) of the Act. Further, with respect to Part E funds, the plan shall contain assurances that the personnel standards and programs of the facilities and institutions reflect advanced practices and that the State is engaged in improving correctional personnel practices, as required by Section 453(7) and (8) of the Act.

6. The State planning agency hereby assures that it will comply with and will insure compliance by its subgrantees and contractors with all applicable nondiscrimination requirements, including but not limited to Section 518(c)(1) of the Crime Control Act of 1976, Title VI of the Civil Rights Act of 1964, Subparts C-E of 28 C.F.R. Part 42, and, where applicable, Section 262(b) of the Juvenile Justice Act, to the end that no person shall, on the ground of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under or be denied employment in connection with any program or activity funded in whole or in part with funds made available through the Law Enforcement Assistance Administration. The State Planning Agency further assures that it will comply with and will insure compliance by its State and local governmental subgrantees with the requirement that in the event that a Federal or State court or Federal or State administrative agency makes a finding of discrimination on the ground of race, color, religion, national origin, or sex against the recipient State or local government unit or agency thereof, it will forward a copy of the finding to the cognizant State Planning Agency and to LEAA. The State planning agency further insures that educational institutions comply with the provisions and requirements of Title IX, Section 901,of the Federal Amendments of 1972 (Pub. L. 92-318) which provides that no person shall, on the basis of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving financial assistance from the Department of Justice. The State Planning Agency recognizes the right of the United States to seek judicial enforcement of the foregoing covenants against discrimination, and will include a similar covenant assuring the right of the United States to seek judicial enforcement in its subgrants or contracts.

7. The applicant State hereby further assures and certifies that by appropriate language incorporated in each grant, subgrant, contract, subcontract, or other documents under which funds are to be disbursed, the grantee shall assure that these conditions apply to all recipients of assistance.

APPENDIX 5. EXPLANATION OF GENERAL GRANT CONDITIONS AND ASSURANCES

The applicant State gives assurance and certifies with respect to the grant that the State criminal justice planning agency and its subgrantees and contractors will comply with the following requirements:

1. REPORTS. Each grantee shall submit such reports as the Law Enforcement Assistance Administration shall reasonably request. State planning agencies shall submit such financial reports as may be required on forms approved by OMB and prescribed by LEAA. Each state planning agency shall maintain such records and such written documentation as can reasonably be expected to give evidence of compliance with the requirements of Guideline M4100.1F and the requirements of the Crime Control Act of 1976 and the Juvenile Justice and Delinquency Prevention Act of 1974. Each State Planning Agency shall produce such records and documentation and prepare such reports as the Law Enforcement Assistance Administration shall reasonably request in the execution of its monitoring, stewardship and evaluation responsibilities as detailed in Section 515(a) of the Crime Control Act of 1976.

2. INSPECTION AND AUDIT. Accounts and records of the State agency and of local units of government and all other recipients of assistance under this grant, whether by direct grant or contract or by subgrant or subcontract from primary grantees or contractors, which disburse or utilize grant funds, must be accessible to authorized Federal and State officials for the purpose of audit and examination. Notice of accessibility as set forth in Section 521 of Title I of Pub. L. 90-351, as amended (hereafter referred to in this Appendix as "the Act"), must be incorporated in each grant, subgrant, contract, or other document under which funds are to be disbursed. Where permitted by State constitutional provisions, an annual or biennial audit of the planning and action subgrant program must be accomplished by an appropriate State audit agency, State planning agency audit staff or a reputable public accounting firm. To the extent that State and local audit systems are determined by LEAA to be adequate to ensure fiscal accountability, they will be relied upon in lieu of regular Federal audit of grantee and subgrantee accounts. The Administration shall adhere, in all regards, to the principles enunciated in OMB Circular No. A-73, "Audit of Federal Grants-in-Aid to State and Local Governments."

3. MATCHING REQUIREMENTS. The applicant State will comply with the provisions of the Act concerning Parts C and E funds:

   a. Money must be appropriated in the aggregate (hard match), as required by Sections 301(c) and 455 of the Act;

   b. For Part C the State will provide in the aggregate not less than one-half of the non-Federal funding (buy-in), as required by Section 303(a)(2) of the Act;

   c. For Part C the percent of all Federal funds granted to the State planning agency that will be available to units of general local

government will be at least the percent of the State and local law enforcement expenditures funded and expended in the immediately preceding fiscal year by units of general local government (variable pass-through), as required by Section 303(a)(2) of the Act.

4. POLITICAL ACTIVITY. The restrictions of the Hatch Act, Pub. L. 93-443, 5 U.S.C. Chapter 73, Subchapter III, (as amended), concerning political activity by government employees are applicable to State planning agency staff members and other State and local government employees whose principal employment is in connection with activities financed, in whole or in part, by Title I grants. Under a 1975 Amendment to the Hatch Act, such State and local government employees now may take an active part in political management and campaigns except they may not be candidates for office.

5. DISCRIMINATION PROHIBITED. No person shall, on the ground of race, religion, color, national origin or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under, or denied employment in connection with, grants awarded pursuant to the Act, the Juvenile Justice Act (Pub. L. 93-415, as amended), or any project, program or activity or subgrant supported or substantially benefiting by this grant. The grantee must comply with the provisions and requirements of Title VI of the Civil Rights Act of 1964 and regulations issued by the Department of Justice and the Law Enforcement Assistance Administration thereunder as a condition of award of Federal funds and continued grant support. The grantee further must comply with the Justice Department equal employment opportunity regulations in federally-assisted programs, to the end that discrimination in employment practices of State planning agencies, law enforcement agencies, and other agencies or offices administering, conducting or participating in any program or activity receiving Federal financial assistance, on the ground of race, religion, color, sex or national origin, is prohibited (28 C.F.R. Part 42). This grant condition shall not be interpreted to require the imposition in State plans or planning agency subgrant programs of any percentage ratio, quota system, or other program to achieve racial balance or eliminate racial imbalance in a law enforcement agency. The use of goals and timetables is not the use of a prohibited quota. The United States reserves the right to seek judicial enforcement of this condition.

6. EQUAL EMPLOYMENT OPPORTUNITY PROGRAM. The State planning agency certifies that it requires as a condition for the receipt of LEAA funds, a certification by the subgrantee that it has executed and has on file, an Equal Employment Opportunity Program which conforms with the provisions of 28 C.F.R. §42.301, et seq., Subpart E, or in conformity with the foregoing regulation, no Equal Employment Opportunity Program is required.

NOTE: Paragraphs 7 through 21 apply particularly to projects funded in whole or in part with Part E funds, but may apply to projects funded with Part C funds.

7. AVAILABILITY OF FUNDS. In accordance with Subsection 453(3) of the Act, State planning agencies shall assure that the availability of funds under Part E shall not reduce the amount of funds under Part C which a State would, in the absence of Part E, allocate for the purposes of corrections.

8. CONTROL OF FUNDS AND TITLE TO PROPERTY (PART E). In accordance with Subsection 453(2) of the Act, the control of Part E funds and title to property purchased with Part E funds may not be transferred to private agencies, profit-making or otherwise, even though these may be utilized in the implementation of Part E efforts including the purchase of services and Part E funds and property will not be diverted to other than correctional uses.

9. DESIGN TECHNIQUES (PART E). In accordance with Subsection 453(5) of the Act, the State planning agency will insure that Part E projects utilize advanced techniques in the design of institutions and facilities.

10. CONSTRUCTION CONSULTATION (PART E). The State planning agency must insure that with respect to construction or renovation of correctional institutions or facilities, that in the planning and development of architectural design or construction drawings the grantee or subgrantee will:

    a. Consult with and provide relevant documents to the National Clearinghouse for Criminal Justice Planning and Architecture, at the University of Illinois.

    b. Obtain a certification of compliance with national standards.

    c. Verify that no funds will be expended until such certification is obtained.

11. REGIONAL SHARING (PART E). In accordance with Subsection 453(6) of the Act, the State planning agency shall insure that where feasible and desirable, provisions will be made for the sharing of correctional institutions and facilities on a regional basis.

12. MAINTENANCE OR UPKEEP OF CORRECTIONAL INSTITUTIONS (PART E). The State planning agency shall insure that Part E funds will not be used for routine repair, maintenance, or upkeep purposes and further, with respect to construction, acquisition and renovation, may be used only for such institutions and facilities or portions thereof, which substantially provide or contribute to providing confinement or rehabilitation for those charged with or convicted of violation of the law.

13. PERSONNEL STANDARDS (PART E). In accordance with Subsections 453(7) and (8) of the Act, the State planning agency shall assure that institutions and facilities receiving Part E funds have personnel standards and programs which reflect advanced practices. The State planning agency must be aware of the personnel standards and programs which the State is seeking in its correctional institutions and facilities and must assure that subgrants of Part E funds will be conditioned in accordance with such standards and programs in order that LEAA may make the determination that satisfactory assurances exist.

14. RECRUITING, ORGANIZATION, TRAINING (PART E). To assure that the State is engaging in projects and programs to improve the recruiting, organization, training and education of the personnel employed in correctional activities, including those of probation, parole and rehabilitation, the following minimum requirements shall be met in the programs and projects utilizing Part E funds in whole or in part:

    a. At least 80 hours recruit training, at the entry into duty or during the first year of tenure, for both guards and correctional officers on the one hand and probation and parole officers on the other; and

    b. At least 20 hours of in-service or refresher training per year for all such correctional personnel with more than one year of tenure.

15. NARCOTIC AND ALCOHOLISM TREATMENT (PART E). In accordance with Subsection 453(9) of the Act, the State planning agency shall insure that correctional institutions and facilities, and probation or other supervisory release programs receiving Part E funds shall have suitable programs for the treatment of drug addicts, drug abusers, alcoholics or alcohol abusers.

16. MONITORING THE CORRECTIONAL SYSTEM (PART E). In accordance with Subsection 453(11) of the Act, the State planning agency shall insure that an accurate and complete monitoring of the progress and improvement of the correctional system is developed. The monitoring system for the State corrections shall include the rate of prisoner rehabilitation and rates of recidivism in comparison with previous performance of the State or local correctional systems and current performance of other State and local prison systems not included in this program.

17. PART E ASSURANCE. The State planning agency certifies as a condition for receipt of Part E funds for the planning, construction, acquisition, or renovation of adult or juvenile correctional institutions or facilities, that all applicants will demonstrate, to the extent applicable to the particular project presented and area or region to be

served by the proposed facility, adherence to the following:

a. Reasonable use of alternatives to incarceration, including but not limited to referral and bail practices, diversionary procedures, court sentencing practices, comprehensive probation resources, and the minimization of incarceration by State and local parole practices, work-study release or other programs assuring timely release of prisoners under adequate supervision. (Applications should indicate the areas to be served, comparative rates of dispositions for fines, suspended sentences, probation, institutional sentences and other alternatives, and rates of parole.)

b. Special provision for the treatment, particularly in community-based programs, of alcohol and drug abusers.

c. Architectural provision for the complete separation of juvenile, adult female, and adult male offenders.

d. Specific study for the feasibility of sharing facilities on a regional (multi-State or multi-county or regional within States, as appropriate) basis.

e. Architectural design of new facilities providing for appropriate correctional treatment programs, particularly those involving other community resources and agencies.

f. Willingness to accept in the facilities persons charged with or convicted of offenses against the United States, subject to negotiated contract agreements with the Bureau of Prisons.

18. CONDITIONS APPLICABLE TO ALL CONSTRUCTION AND RENOVATION PROGRAM GRANTS (PART E). Subgrants of Part E funds for facilities construction or renovation, regardless of size, shall require that architectural and other needed professional services shall be obtained upon the basis and consideration of professional competence to deliver the required services. Contractural fee obligations for such services shall be in accordance with the prevailing suggested fee schedules of recognized professional organizations.

19. SPECIAL REVIEW OF CONSTRUCTION PROGRAMS (PARTS C AND E). In conformity with Section 522 of the Act, the State will not release any grant funds for plans or programs involving the acquisition or construction of law enforcement facilities, without submission of such programs to area-wide agencies as provided in Section 204(a) of the Demonstration Cities and Metropolitan Development Act of 1966 for receipt of comments and recommendations.

20. CONDITIONS APPLICABLE TO ALL LARGE CONSTRUCTION PROGRAM GRANTS. Subgrants for construction or facilities which require a letting of a contract amounting to $100,000 or more to a private company or individual must require a bid guarantee equivalent to 5 percent of the bid price, a performance bond on the part of the contractor for 100 percent of the contract price and a payment bond on the part of the contractor for 100 percent of the contract price.

21. CONDITIONS APPLICABLE TO ALL CONSTRUCTION PROGRAM GRANTS. Subgrants for construction purposes shall be accompanied by a statement of objectives of the proposed facilities, architectural programs, schematics, outline specifications and cost estimates; and, shall include a certification of the manner and means through which needed constructional services (site preparation, utility through which building construction purchases of equipment and fixture, etc.) will be obtained in accordance with the applicable provisions of appropriate State and/or local law, rules or regulations.

22. SPECIAL EEO REQUIREMENTS FOR ALL CONSTRUCTION GRANTS. The applicant hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work or modification thereof, as defined in the regulations of the Secretary of Labor at 41 C.F.R. Chapter 60, which is paid for in whole or in part with funds obtained from the Federal government or borrowed on the credit of the Federal government pursuant to a grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the following equal employment opportunity clause:

During the performance of the contract, the contractor agrees as follows:

a. The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to insure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of the nondiscrimination clause.

b. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

c. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

d. The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

e. The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

f. In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further government contracts or federally-assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

g. The contractor will include the portion of the sentence immediately preceding paragraph (a) and the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event a contractor

becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

The applicant further agrees that it will be bound by the above equal employment opportunity clause with respect to its own employment practices when it participates in federally-assisted construction work: Provided, that if the applicant so participating is a State or local government, the above equal employment opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.

The applicant agrees that it will assist and cooperate actively with the administering agency ard the Secretery of Labor in obtaining the compliance of contractors and subcontractors with the equal employment opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.

The applicant further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for government contracts and federally-assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal employment opportunity clause as may be imposed upon contractors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order. In addition, the applicant agrees that if it fails or refuses to comply with these undertakings, the administering agency may take any or all of the following actions: cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the applicant under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such applicant; and refer the case to the Department of Justice for appropriate legal proceedings.

23. BUILDING ACCESS FOR PHYSICALLY HANDICAPPED. In accordance with the provisions of the Rehabilitation Act of 1973, Pub. L. 93-112, 29 U.S.C. §792, et seq., any building construction funded under the Act for which

there is an intended use that will require that such building or facility be accessible to the public or may result in the employment or residence therein of physically handicapped persons must be so constructed as to assure that physically handicapped persons will have ready access to, and use of, such buildings.

24. RELEASE OF INFORMATION. All records, papers and other documents kept by recipients of LEAA funds, including State planning agencies and their subgrantees and contractors, relating to the receipt and disposition of such funds, are required to be made available to the Administration, pursuant to Section 521 of the Act. These records, and other documents submitted to LEAA and State planning agencies pursuant to other provisions of the Act, including comprehensive State plans and applications for funds, are required to be made available by LEAA under the terms and conditions of the Federal Freedom of Information Act, 5 U.S.C. §552. State planning agencies must follow Section 203(g) and applicable guidelines which provide for public access to Crime Control Act non-confidential records and release of information in accord with local, State or Federal law and State planning agency procedures designed to facilitate local government participation.

25. INFORMATION SYSTEMS. In respect to programs related to criminal justice information systems, the grantee agrees to comply with the provisions of 28 C.F.R. Part 20 governing the protection of individual privacy and the insurance of the integrity and accuracy of data collection. The grantee further agrees:

a. That all computer software produced under this grant will be made available to the Law Enforcement Assistance Administration for transfer to authorized users in the criminal justice community without cost other than that directly associated with the transfer. Systems will be documented in sufficient detail to enable a competent data processing staff to adapt the system, or portions thereof, to usage on a computer of similar size and configuration, of any manufacturer.

b. To provide a complete copy of documentation to the cognizant Regional Office, upon request, and a complete copy to the Systems Development Division, National Criminal Justice Information and Statistics Service, Law Enforcement Assistance Administration. Documentation will include, but not be limited to System Description, Operating Instructions, User Instructions, Program Maintenance Instructions, input forms, file descriptions, report formats, program listings and flow charts for the system and programs.

c. That whenever possible all application programs will be written in ANS COBOL in order that they may be transferred readily to another authorized user. Where the nature of the task requires a scientific programming language, ANS FORTRAN should be used.

d. To avail himself, to the maximum extent possible, of computer software already produced and available without charge. To insure that reasonable effort is extended in this area, LEAA publications and Regional Systems Specialists should be consulted.

26. CONFIDENTIALITY OF RESEARCH INFORMATION. Pursuant to Section 524(a) of the Act, research information identifiable to an individual, which was obtained through a project funded wholly or in part with LEAA funds, shall remain confidential and copies of such information shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding. 28 C.F.R. Part 22.

27. PUBLISHED MATERIAL. All published material and written reports submitted under this grant or in conjunction with contracts under this grant must be originally developed material unless otherwise specifically provided in the grant or contract document. When material, not originally developed, is included in the report, it must have the source identified. This identification may be in the body of the report or by footnote. This provision is applicable when the material is in a verbatim or extensive paraphrase format.

28. USE OF AIRPLANES AND HELICOPTERS. Airplanes and helicopters purchased in whole or in part with grant funds must be used for the purposes stated in the application and may not be used for non-law enforcement purposes by State and local officials.

29. ALLOCATION AND MATCH REQUIREMENTS FOR JUVENILE JUSTICE ACT PROGRAMS. The State planning agency will comply with the provisions of Pub. L. 93-415, as amended, concerning Part B formula grant funds:

a. Not more than 15 percent of the total annual allotment of such funds shall be utilized to develop a State plan and to pay that portion of the expenditures which are necessary for efficient administration.

b. The State shall make available needed funds for planning and administration to local governments within the State on an equitable basis.

c. In the absence of a waiver the State shall expend at least 66 2/3 percent of such funds through programs of local government.

d. Not less than 75 percent of such funds shall be used for advanced techniques as designated in the approved plan.

e. Financial assistance extended with such funds for nonconstruction projects shall not exceed 90 percent of the approved costs of any assisted programs or activities. The non-Federal share shall be in cash or kind consistent with applicable guidelines promulgated by the Administration.

30. CONSTRUCTION (PART C AND JUVENILE JUSTICE ACT). The State planning agency certifies that financial assistance for construction programs and projects shall be limited to not more than 50 percent of the cost of construction. In addition, construction using funds available under the Juvenile Justice Act is limited to innovative community-based facilities for less than twenty persons. All such programs and projects shall be subject to guidelines promulgated by the Administration.

31. DEINSTITUTIONALIZATION (JUVENILE JUSTICE ACT). The State planning agency agrees to plan for and implement within two years of the date of its initial submission of an approved plan under Pub. L. 93-415, the requirement of Section 223(a)(12) that juveniles who have committed offenses that would not be criminal if committed by an adult will no longer be placed in juvenile detention or correctional facilities.

32. SEPARATION OF ADULTS AND JUVENILES (JUVENILE JUSTICE ACT). The State planning agency agrees to plan and implement, in accordance with identified constraints on immediate implementation, the requirement of Section 223(a)(13) of Pub. L. 93-415 that juveniles alleged to be or found to be delinquent will not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges.

33. MONITORING ACTIVITY (JUVENILE JUSTICE ACT). The State planning agency agrees to provide for the accurate and complete monitoring of jails, detention facilities, corrections facilities, and other secure facilities to assure that the requirements of Sections 223(a)(12) and 223(a)(13) of Pub. L. 93-415 are met. Annual reports to the Administrator of the results of such monitoring activity shall be made available, in such form and containing such data as the Administrator may require, by December 31 of the calendar year.

34. NATIONAL ENVIRONMENTAL POLICY ACT OF 1969, Pub. L. 91-190, 42 U.S.C. §4321, et seq. Any application for LEAA funds involving those actions listed in 28 C.F.R. §19.6 shall include an environmental evaluation.

The State will circulate the environmental evaluation through the State and local clearinghouses and concurrently send it to the Regional Office. The Regional Office, after allowing time for comment, shall decide whether to issue a negative declaration or require the preparation of an Environmental Impact Statement. If an Environmental Impact Statement is required, the SPA will ordinarily be required to prepare a draft if the project is being funded with block money. If the project is being funded with discretionary money, the State planning agency may be requested to prepare the draft Environmental Impact Statement. Procedures for compliance are outlined in the Environmental Procedures Handbook, HB 4061.

35. NATIONAL HISTORIC PRESERVATION ACT OF 1966, Pub. L. 89-665, 16 U.S.C. §470, et seq. The State planning agency shall consult with the State Historic Preservation Officer to determine if undertakings may have an effect on properties listed in the National Register of Historic Places, or on properties eligible for inclusion. The State planning agency shall notify LEAA of the possible effect of the undertaking and follow the procedures outlined in the Environmental Procedures Handbook, HB 4061.

36. FLOOD DISASTER PROTECTION ACT OF 1973, Pub. L. 93-234, 42 U.S.C. §4001, et seq. LEAA will not approve any financial assistance for construction purposes in any area that has been identified by the Secretary of HUD as an area having special flood hazards unless the community in the hazardous area is then participating in the National Flood Insurance Program.

37. CLEAN AIR ACT, Pub. L. 88-206, 42 U.S.C. §1857, et seq., and FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972, Pub. L. 92-500, 33 U.S.C. §1251, et seq. (and Executive Order 11738). In accordance with the provisions of the Clean Air Act, the Federal Water Pollution Control Act and Executive Order 11738, subgrants and contracts will not be made with parties convicted of offenses under these laws. Procedures for compliance with this condition are outlined in the Environmental Procedures Handbook, HB 4061.

38. SAFE DRINKING WATER ACT, Pub. L. 93-523, 42 U.S.C. §300f, et seq. If the Administrator of the Environmental Protection Agency determines that an area has an aquifier (a water-bearing stratum of permeable rock, sand or gravel) which is the sole or principal source of drinking water for an area, and which if contaminated would create a significant hazard to public health, he shall publish notice of that determination in the Federal Register. After publication of such notice, no commitment of Federal financial assistance (through a grant, contract, loan or otherwise) may be entered into for any project which the EPA Administrator

determines may contaminate such an aquifier. Any prospective subgrantee of Parts C and E funds shall assure that the project will have no effect on an aquifier so designated by the EPA Administrator.

39. ENDANGERED SPECIES ACT OF 1973, Pub. L. 93-205, 16 U.S.C. §1531, et seq. The Secretary of Interior shall publish in the Federal Register, and from time to time he may by regulations revise a list of species determined by him or the Secretary of Commerce to be endangered species and a list of all species determined by him or the Secretary of Commerce to be threatened species. Each list shall refer to the species contained therein by scientific and common name and shall specify with respect to each such specie over what portion of its range it is endangered or threatened. Any prospective recipient of LEAA funds shall certify in writing prior to a grant award that the proposed action will not jeopardize the continued existence of an endangered specie or a threatened specie or result in the destruction or modification of the habitat of such a specie.

40. WILD AND SCENIC RIVERS ACT, Pub. L. 90-542, 16 U.S.C. §1271, et seq. LEAA must notify the Secretary of the Interior and, where National Forest lands are involved, the Secretary of Agriculture of any activities in progress, commenced or resumed which affect any of the rivers specified in the Wild and Scenic Rivers Act. Any prospective grantee or subgrantee or LEAA grant funds will certify in writing that LEAA will be notified if any of the designated rivers are or will be affected by any program or project.

41. FISH AND WILDLIFE COORDINATION ACT, Pub. L. 85-624, 16 U.S.C. §661, et seq. LEAA must notify the Fish and Wildlife Service of the Department of Interior and the head of the State administrative agency exercising administration over the wildlife resources of the State wherever the waters of any stream or other body of water are proposed to authorized to be diverted or controlled by LEAA, a grantee, or subgrantee. Any prospective recipient of LEAA grant funds will certify that LEAA will be notified if any of the actions specified in 16 U.S.C. §662(a) are anticipated.

42. HISTORICAL AND ARCHEOLOGICAL PRESERVATION ACT, Pub. L. 93-291, 16 U.S.C. §469, et seq. Any prospective recipient of LEAA funds shall notify LEAA if the funded activity may cause irreparable loss or destruction to significant historical or archeological data. LEAA will then notify the Secretary of the Interior who shall conduct a survey and investigation of the area which may be affected and recover and preserve such data.

43. COASTAL ZONE MANAGEMENT ACT OF 1972, Pub. L. 92-583, 16 U.S.C. §1451, et seq. Each LEAA-supported activity which directly affects the Coastal Zone shall be conducted in a manner, which to the maximum extent feasible, is consistent with the approved State management program for the protection of the Coastal Zone. Every applicant submitting an application for grant funds supporting programs affecting land or water uses in the Coastal Zone shall attach the views of the appropriate State or local agencies on the relationship of the proposed activity to the approved management program. This applies to subgrant applications submitted to the State planning agency as well as to discretionary grant applications. Such applications shall be submitted in accordance with the provisions of Title IV of the Intergovernmental Cooperation Act of 1968, Pub. L. 90-577.

44. ANIMAL WELFARE ACT OF 1970, Pub. L. 91-579, 7 U.S.C. §2131, et seq. This act establishes recordkeeping and animal treatment standards for schools, institutions, organizations and persons that use or intend to use live animals in research, tests or experiments, and that receive Federal funds for the purpose of carrying out research, tests or experiments. No grant or contract for this type of purpose may be made until the grantee or contractor assures compliance with the provisions of the Animal Welfare Act of 1970.

45. IMPOUNDMENT CONTROL ACT OF 1974, Pub. L. 93-344, 31 U.S.C. §1401, et seq. Specific procedures are provided for recissions and deferrals of budget authority when Federal funds are involved, and assurance must be provided that whenever such action is contemplated these procedures will be followed. Furthermore, any grantee, contractor, subgrantee, or subcontractor is hereby put on notice that any award, or portion thereof, is conditional upon subsequent congressional or executive action which may result from Federal budget deferral or recission actions.

46. INTERGOVERNMENTAL COOPERATION ACT OF 1968, Pub. L. 90-577, 42 U.S.C. §4201, et seq., and JOINT FUNDING SIMPLIFICATION ACT OF 1974, Pub. L. 93-510, 42 U.S.C. §4251, et seq. State and local grantees of Federal funds must provide proper accounting of all grant funds included in a State treasury. They must render full financial reports including information on the status and usage of Federal grant funds, outstanding liabilities and obligations accountable to the grants, and such other facts as may be required by LEAA. Further, projects drawing funds from more than one Federal program must fully disclose the amount and disposition by the recipient of Federal assistance received under each program and appropriation, the total cost of the program, and the amount of that portion of the cost supplied by other sources.

47. UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITIONS POLICIES ACT OF 1970, Pub. L. 91-646, 42 U.S.C. §4601, et seq. In conformance with this requirement and with the provisions of 28 C.F.R. Part 52, the State planning agency shall assure that any program under which LEAA financial assistance must be used to pay all or part of the cost of any program or project which will result in displacement of any person shall provide that:

    a. Fair and reasonable relocation payments and assistance shall be provided to or for displaced persons as are required in such regulations as are issued by the Attorney General.

    b. Relocation and assistance programs shall be provided for such persons in accordance with such regulations issued by the Attorney General.

    c. Within a reasonable period of time prior to displacement, decent, safe and sanitary replacement must be available to the displaced person in accordance with such regulations as issued by the Attorney General.

    d. Those persons affected by these provisions will be adequately informed of the available benefits, policies, and procedures relating to the payment of these benefits.

48. CRIMINAL PENALTIES.

    a. Whoever embezzles, willfully misapplies, steals, or obtains by fraud or endeavors to embezzle, willfully misapply, steal or obtain by fraud any funds, assets, or property which are the subject of a grant or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration, or whoever receives, conceals, or retains such funds, assets, or property with intent to convert such funds, assets, or property to his use or gain, knowing such funds, assets, or property have been embezzled, willfully misapplied, stolen, or obtained by fraud, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

    b. Whoever knowingly and willfully falsifies, concels, or covers up by trick, scheme, or device, any material fact in any application for assistance submitted pursuant to the Act or in any records required to be maintained pursuant to the Act shall be subject to prosecution under the provisions of Section 1001 of Title 18, United States Code.

c. Any law enforcement and criminal justice program or project underwritten, in whole or in part, by any grant, or contract or other form of assistance pursuant to the Act, whether received directly or indirectly from the Administration, shall be subject to the provisions of Section 371 of Title 18, United States Code.

INTRODUCTION

The Crime Control Division is the State Planning Agency (SPA) for Montana. The Montana Board of Crime Control is the supervisory board of 18 members appointed by the Governor and representing the various segments of the criminal justice system. The SPA personnel serve as staff to the supervisory board. The organization of the agency is shown by illustration a.

Following are brief descriptions of the functions of each of the three bureaus within the SPA:

Bureau of Grant Administration

The primary responsibility of this bureau is to develop, implement, and direct operating policies and procedures relative to grant development and processing activities of the SPA. For this purpose the bureau maintains four field offices to assist local governments in applying for federal funds and in following up on programs and fiscal accountability. The four field offices serve the five SPA planning regions as shown by illustration b.

The bureau's responsibility in the central office is to insure efficient processing of grants and disbursement of funds for all state and local agencies applying for federal financial assistance.

Bureau of Planning

This bureau has three major functions within the SPA. Its three areas of responsibility are:

1. to develop an annual comprehensive plan

2. to provide technical assistance

3. to monitor and evaluate programs and projects

In addition to these, the bureau is also responsible for the SPA's meeting the requirements for compliance with the Juvenile Justice and Delinquency Prevention Act of 1974, in which program the Board of Crime Control has elected to participate.

The planning process is explained in detail in this document.

The technical assistance function of the bureau is described in a separate document, the Montana Technical Assistance Plan.

The monitoring and evaluation previously done by the Bureau of Standards (now the Bureau of Grant Administration) was transferred to the Bureau of Planning and is becoming an integral part of the planning/evaluation process.

Bureau of Research and Design

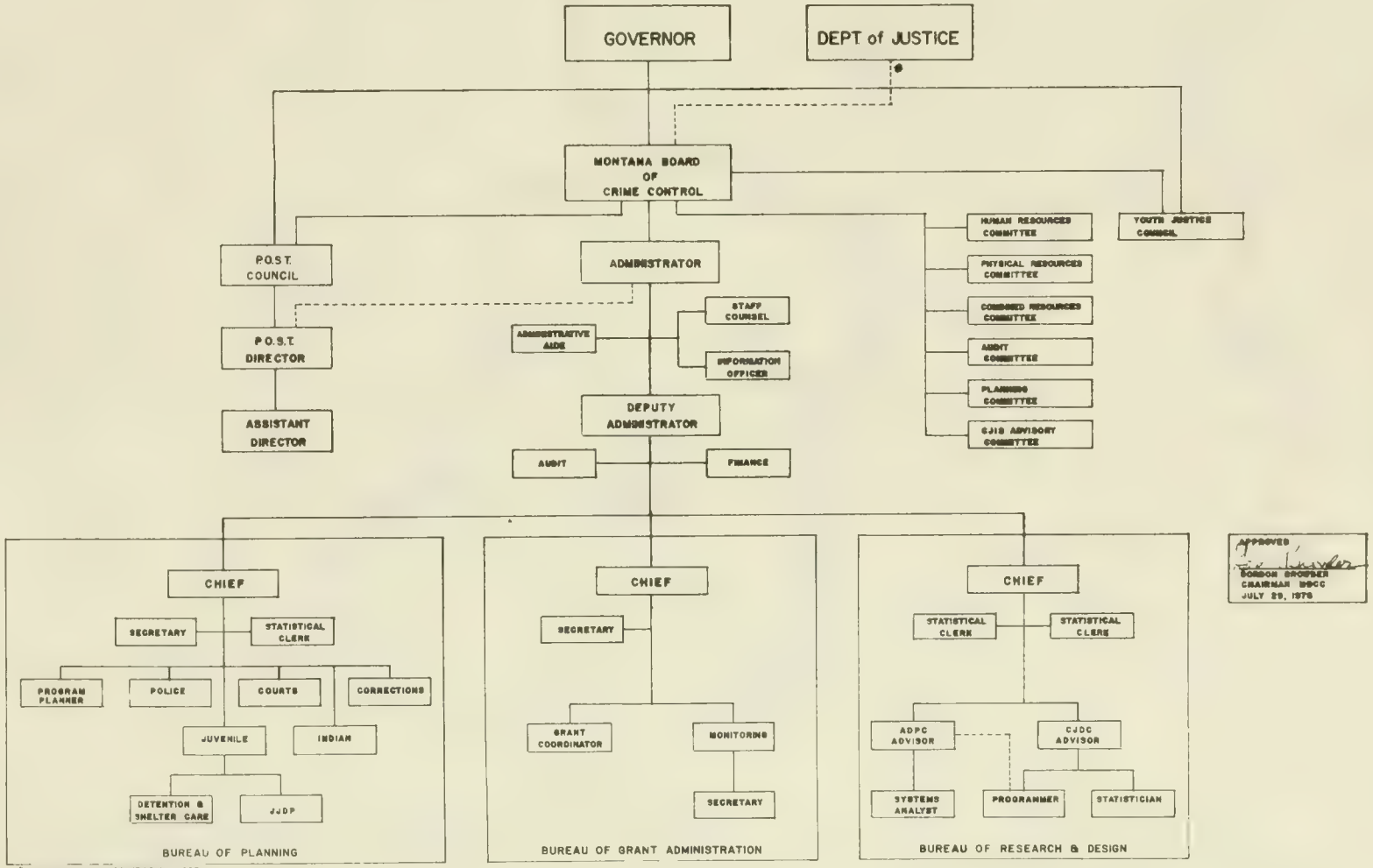
This bureau is responsible for collecting and analyzing criminal justice statistics and for the planning and development of automated criminal justice information systems. The bureau provides technical assistance throughout the state on record systems, statistics, and automated systems.

The SPA participates in LEAA's Comprehensive Data Systems and the bureau has produced a plan for the long-range development and utilization of automated information systems.

Illustration a

MONTANA

BOARD OF CRIME CONTROL



* EXECUTIVE REORGANIZATION 1975
ADMINISTRATIVE PURPOSES ONLY

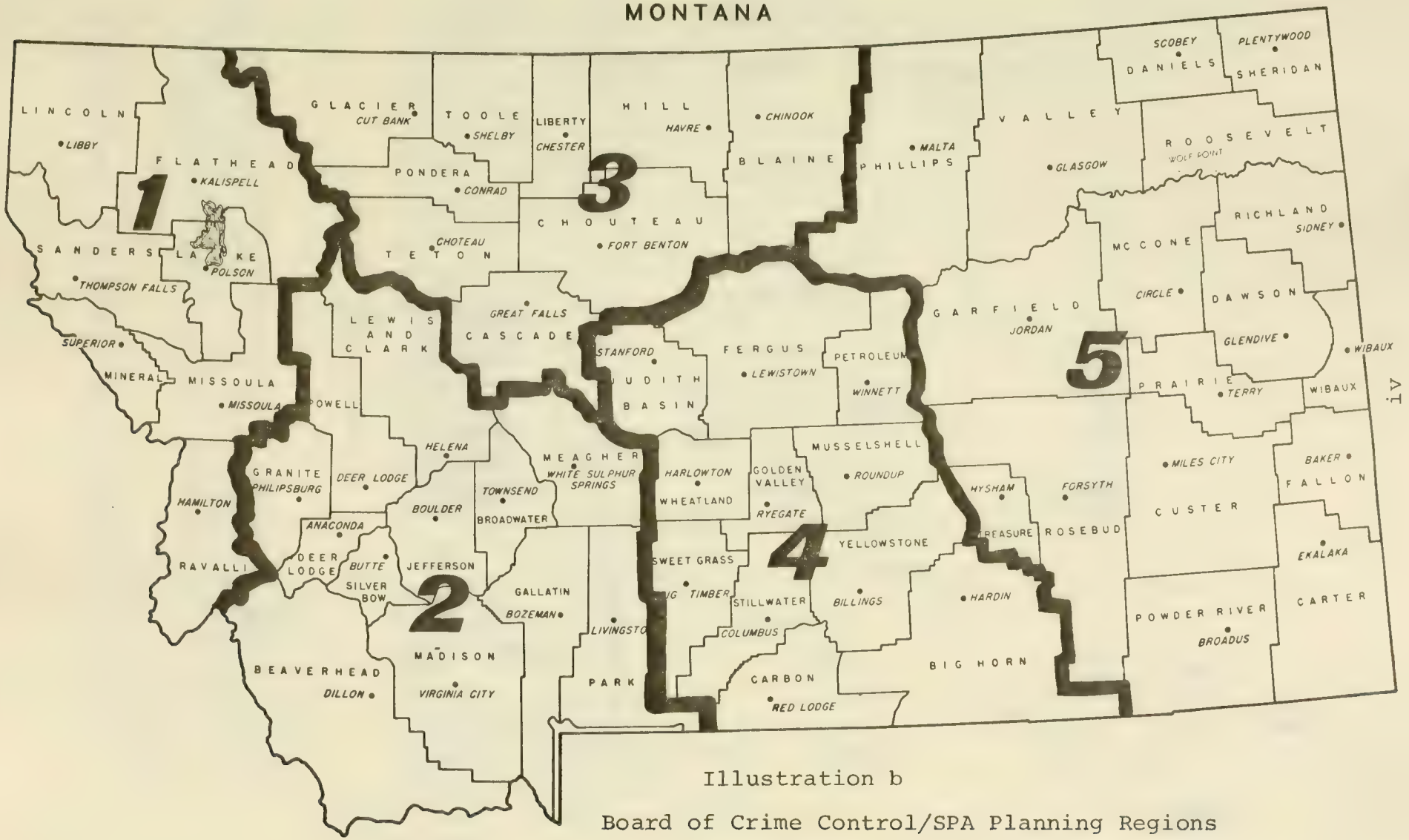


Illustration b

Board of Crime Control/SPA Planning Regions

PART I - THE MULTI-YEAR PLAN

THE MATERIAL IN THIS SECTION, COVERING AGE AND POPULATION DATA, OFFENSES AND ARRESTS, VICTIMIZATION SURVEY RESULTS, DRUG AND ALCOHOL DATA, AND DEMOGRAPHIC DATA FOR THE TEN HIGH CRIME/LAW ENFORCEMENT ACTIVITY AREAS IN THE STATE IS PRESENTED IN ORDER TO PAINT A PICTURE OF MONTANA AND TO FURNISH A BASE ON WHICH CRIME ANALYSIS, PROBLEM IDENTIFICATION, AND ACTION PROGRAM PLANNING HAVE BEEN BASED.

POPULATION DATA

This and the following tables and illustrations lay groundwork for demographic conclusions and pinpointing of high crime areas in the state.

Table A-1

POPULATION BY COUNTY
1974-1976

COUNTY	SQUARE MILES	1974 POPULATION	1975 POPULATION	1976 POPULATION
Beaverhead	5580	8300	8300	8100
Big Horn	5055	10500	10900	10676
Blaine	4276	6800	6800	6660
Broadwater	1245	2700	2800	2743
Carbon	2074	7900	7700	7541
Carter	3313	1900	1900	1861
Cascade	2673	84300	84600	82961
Chouteau	3936	6400	6200	6450
Custer	3775	12300	12000	13006
Daniels	1443	3200	3000	2938
Dawson	2380	10900	10300	14000
Deer Lodge	741	15100	15200	14888
Fallon	1633	3900	4000	3918
Fergus	4253	12900	12800	12635
Flathead	5280	42600	44200	43390
Gallatin	2540	36000	38800	45000
Garfield	4812	1600	1600	1567
Glacier	3006	11400	11600	11362
Golden Valley	1180	900	927	882
Granite	1737	2700	2700	3000
Hill	2946	17700	17900	17583
Jefferson	1654	6900	7200	7150
Judith Basin	1880	2700	2700	2645
Lake	1655	16700	17000	16651
Lewis & Clark	3513	36000	36900	36142
Liberty	1459	2300	2500	2449
Lincoln	3728	17000	15800	15476
Madison	2652	5900	5800	5681

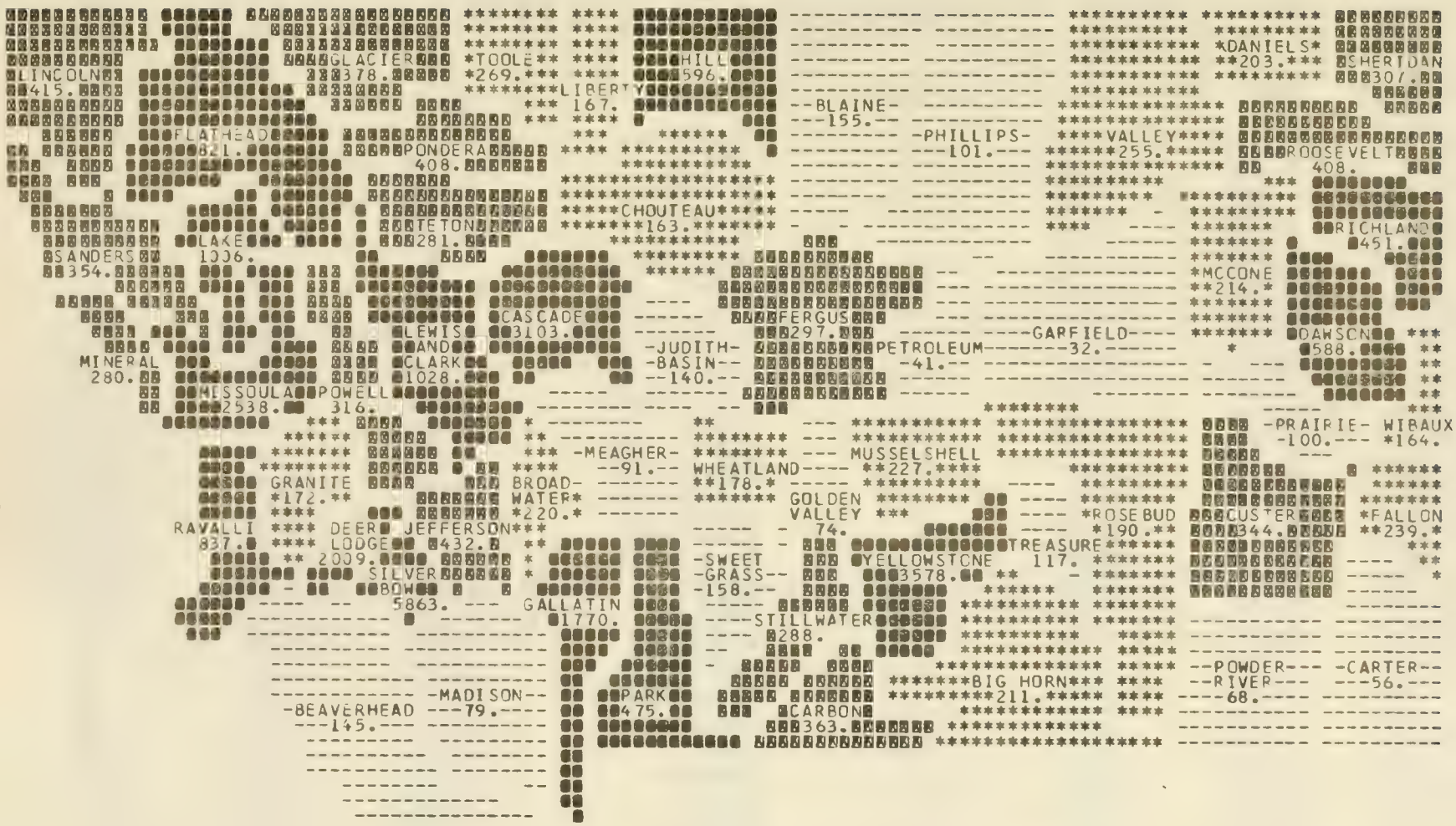
Table A-1 (Continued)

POPULATION BY COUNTY
1974-1976

COUNTY	SQUARE MILES	1974 POPULATION	1975 POPULATION	1976 POPULATION
McCone	3541	2700	2700	2799
Meagher	2356	2100	2200	2155
Mineral	1223	3600	3500	3428
Missoula	2624	63700	66500	66600
Musselshell	1887	4200	4100	4300
Park	2631	11900	12000	12500
Petroleum	1672	600	658	686
Phillips	5287	5500	5400	5387
Pondera	1654	6700	6900	6758
Powder River	3298	2200	2300	2253
Powell	2340	7400	7400	7401
Prairie	1739	1900	1900	1752
Ravalli	2388	17900	18500	20000
Richland	2103	9900	9700	9501
Roosevelt	2399	10500	10000	9795
Rosebud	5042	7700	9578	9578
Sanders	2819	7800	8000	10000
Sheridan	1720	5300	5400	5289
Silver Bow	716	43200	43200	41981
Stillwater	1801	5200	5300	5191
Sweet Grass	1849	3100	2900	2938
Teton	2310	6400	6500	6500
Toole	1965	5400	5300	5289
Treasure	997	1200	1228	1175
Valley	5104	13000	13300	13027
Wheatland	1425	2500	2300	2539
Wibaux	891	1400	1456	1469
Yellowstone	2666	94300	97300	95404
TOTAL	147138	734800	747647	753000

MONTANA BOARD OF CRIME CONTROL
POPULATION DENSITY BY COUNTY

1976



----	.32 - 1.58 - Low Quartile
****	1.63 - 2.69 - Medium Low Quartile
####	2.80 - 4.32 - Medium High Quartile
####	4.51 -58.63 - High Quartile

Table A-2

POPULATION CHANGE BY COUNTY
1965-1975

COUNTY	1965	1975	% CHANGE	COUNTY	1965	1975	% CHANGE
Beaverhead	7,500	8,300	+ 10.7	McCone	5,100	2,700	- 47.1
Big Horn	10,700	10,900	+ 1.9	Meagher	2,600	2,200	- 15.4
Blaine	7,900	6,800	- 13.9	Mineral	3,200	3,500	+ 9.4
Broadwater	2,800	2,800	0	Missoula	49,600	66,500	+ 34.1
Carbon	7,700	7,700	0	Musselshell	4,800	4,100	- 14.6
Carter	2,600	1,900	- 26.9	Park	12,300	12,000	- 2.4
Cascade	80,200	84,600	+ 5.5	Petroleum	800	658	- 17.8
Chouteau	7,300	6,200	- 15.1	Phillips	5,900	5,400	- 8.5
Custer	14,400	12,000	- 16.7	Pondera	7,600	6,900	- 9.2
Daniels	3,800	3,000	- 21.1	Powder River	2,600	2,300	- 11.5
Dawson	12,800	10,300	- 19.5	Powell	7,200	7,400	+ 2.8
Deer Lodge	18,400	15,200	- 17.4	Prairie	2,400	1,900	- 20.8
Fallon	4,300	4,000	- 7.0	Ravalli	12,700	18,500	+ 45.7
Fergus	13,900	12,800	- 7.9	Richland	10,900	9,700	- 11.0
Flathead	35,200	44,200	+ 25.6	Roosevelt	12,200	10,000	- 18.0
Gallatin	26,800	38,800	+ 44.8	Rosebud	6,400	9,578	+ 49.7
Garfield	2,100	1,600	- 23.8	Sanders	7,200	8,000	+ 11.1
Glacier	12,200	11,600	- 4.9	Sheridan	6,700	5,400	- 19.4
Golden Valley	1,200	927	- 22.8	Silver Bow	47,900	43,200	- 9.8
Granite	3,100	2,700	- 12.9	Stillwater	5,100	5,300	+ 3.9
Hill	18,700	17,900	- 4.3	Sweet Grass	3,100	2,900	- 6.5
Jefferson	4,400	7,200	+ 63.6	Teton	7,200	6,500	- 9.7
Judith Basin	3,000	2,700	- 10.0	Toole	7,900	5,300	- 32.9
Lake	13,900	17,000	+ 22.3	Treasure	1,400	1,228	- 12.3
Lewis & Clark	30,400	36,900	+ 21.4	Valley	21,800	13,300	- 39.0
Liberty	2,700	2,500	- 7.4	Wheatland	3,000	2,300	- 23.3
Lincoln	13,400	15,800	+ 17.9	Wibaux	1,700	1,456	- 14.4
Madison	3,600	5,800	+ 61.1	Yellowstone	80,800	97,300	+ 20.4
				TOTAL	705,100	747,647	+ 6.0

Median Age Change by County**
1960-1970

Lowered birth rates and mobility have caused changes in the median age of the population. Generally counties with the greatest decreases in live births and population have had the greatest increases in median age. Conversely, those counties experiencing growth generally have had a decreasing median age.

Table A-3

County	1960 Median Age	1970 Median Age	Percent Change
Counties Decreasing			
Beaverhead	31.6	26.9	- 4.7 *
Cascade	25.7	25.1	- 0.6 *
Flathead	30.1	27.9	- 2.2 *
Gallatin	24.6	23.6	- 1.0 *
Jefferson	29.5	25.6	- 3.9 *
Lake	30.6	29.8	- 0.8 *
Lewis and Clark	30.1	27.9	- 2.2 *
Missoula	26.2	24.4	- 1.8 *
Petroleum	32.4	31.5	- 0.9
Powder River	28.4	25.1	- 3.3 *
Powell	31.9	30.6	- 1.3
Ravalli	33.8	32.5	- 1.3 *
Rosebud	26.5	26.2	- 0.3
Sanders	32.1	31.7	- 0.4 *
Silver Bow	32.3	30.2	- 2.1
Yellowstone	26.6	26.2	- 0.4 *
	29.5	27.8	- 1.7
Counties Increasing			
Big Horn	22.8	23.4	+ 0.6 *
Blaine	25.3	26.9	+ 1.6
Broadwater	28.7	30.4	+ 1.7
Carbon	35.5	39.8	+ 4.3
Carter	28.3	33.2	+ 4.9
Chouteau	28.2	30.8	+ 2.6
Custer	28.8	29.2	+ 0.4
Daniels	29.1	33.9	+ 4.8
Dawson	23.8	25.3	+ 1.5
Deer Lodge	32.1	32.9	+ 0.8
Fallon	25.3	26.4	+ 1.1 *
Fergus	30.2	32.0	+ 1.8
Garfield	27.6	28.1	+ 0.5
Glacier	22.8	23.2	+ 0.4
Golden Valley	32.4	36.8	+ 4.4

* County increased in population, 1960-1970.
**From Table 35, General Population Characteristics, Bureau of the Census, U.S. Department of Commerce.

Median Age Change by County**(Continued)

Table A-3 (Continued)
Counties Increasing

County	1960 Median Age	1970 Median Age	Percent Change
Granite	32.2	32.5	+ 0.3
Hill	24.0	24.3	+ 0.3
Judith Basin	30.5	34.1	+ 3.6
Liberty	24.8	27.1	+ 2.3
Lincoln	24.8	25.1	+ 0.3 *
McCone	26.5	28.5	+ 2.0
Meagher	31.2	32.4	+ 1.2
Mineral	25.4	26.6	+ 1.2
Musselshell	32.7	37.3	+ 5.0
Park	31.9	35.7	+ 3.8
Phillips	28.9	29.8	+ 0.9
Pondera	24.8	27.9	+ 3.1
Prairie	27.8	36.3	+ 8.5
Richland	26.2	28.0	+ 1.8
Roosevelt	22.9	24.9	+ 2.0
Sheridan	29.2	31.9	+ 2.7
Stillwater	31.3	35.5	+ 4.2
Sweet Grass	34.0	37.1	+ 3.1
Teton	28.1	32.2	+ 4.1
Toole	25.9	30.0	+ 4.1
Treasure	24.5	29.2	+ 4.7
Valley	23.4	25.5	+ 2.1
Wheatland	33.1	33.6	+ 0.5
Wibaux	28.2	28.9	+ 0.7
	28.0	30.3	+ 2.3
State-wide	28.7	29.1	+ 0.6

* County increased in population, 1960-1970.
**From Table 35, General Population Characteristics, Bureau of the Census, U.S. Department of Commerce.

Table A-4
Comparison of
Population*

	1960	1970	1974
Montana total	675,000	694,000	730,000
Male	344,000	347,000	371,152
Female	331,000	347,000	375,679
Pop. per square mile	4.6	4.8	5.0
Metro. areas	152,000	169,000	178,000
Urban (area with pop. over 2500)	338,000	371,000	
Rural	336,000	324,000	
Net total Migration		-58,000	19,000

*Source: U.S. Statistical Abstract and Montana Department of Community Affairs

In 1974, the Data Center made a study of urban/rural crime in Montana which showed living in rural areas does not necessarily insulate people from various types of crime that are most generally associated with large, congested cities. Wide open spaces and a minimal population density may contribute to a comfortable sense of well-being and safety, but in actuality, it is no defense against the several types of violent crimes.

The analysis showed that about 70% of the seven major index crimes occur in urbanized areas. Even though only 30% of the offenses are occurring in the rural environment, several types of violent crimes are occurring there at a higher rate than in urban areas (murder, non-negligent manslaughter, rape, and aggravated assault). Seventy-one percent of all murders and non-negligent manslaughters occurred in rural areas, and 56% of rapes occurred in rural areas. Sixty-six percent of aggravated assaults occurred in rural areas. These types of crimes are more commonly committed by persons previously known to their victims, and in small Montana communities and isolated rural areas, an individual is likely to be known or recognized by almost every other resident in that same area.

Table A-5

AGE DISTRIBUTION, RESIDENT POPULATION, MONTANA, 1950, 1960, AND 1970;
AND PROJECTED TO 1975 AND 1985

Age Groups	1985[1] Number (1,000)	1985[1] Percent of Total	1975[1] Number (1,000)	1975[1] Percent of Total	1970 Number (1,000)	1970 Percent of Total	1960 Number (1,000)	1960 Percent of Total	1950 Number (1,000)	1950 Percent of Total
Resident population, total[2]	848	100.0	752	100.0	694	100.0	675	100.0	591	100.0
Under 5 years	94	11.1	78	10.3	57	8.2	83	12.3	68	11.5
5 through 17 years	204	24.0	190	25.3	196	28.2	177	26.3	127	21.5
18 through 44 years	334	39.4	269	35.8	232	33.4	224	33.2	228	38.6
45 through 64 years	133	15.7	144	19.2	141	20.3	125	18.6	118	20.0
65 and over years	83	9.8	71	9.4	69	9.9	65	9.7	51	8.6
18 and over years	550	64.8	485	64.5	441	63.5	414	61.3	396	67.0
18 through 24 years	96	11.3	95	12.6	77	11.1	-	-	58	9.8
18 through 64 years	467	55.1	413	55.0	373	53.7	349	51.7	345	58.5
21 and over years	-	-	-	-	405	58.4	389	57.6	372	63.0
Median Age										
Montana	-	-	-	-	-	-	28.0		27.6	
United States	-	-	-	-	-	-	29.6		30.2	

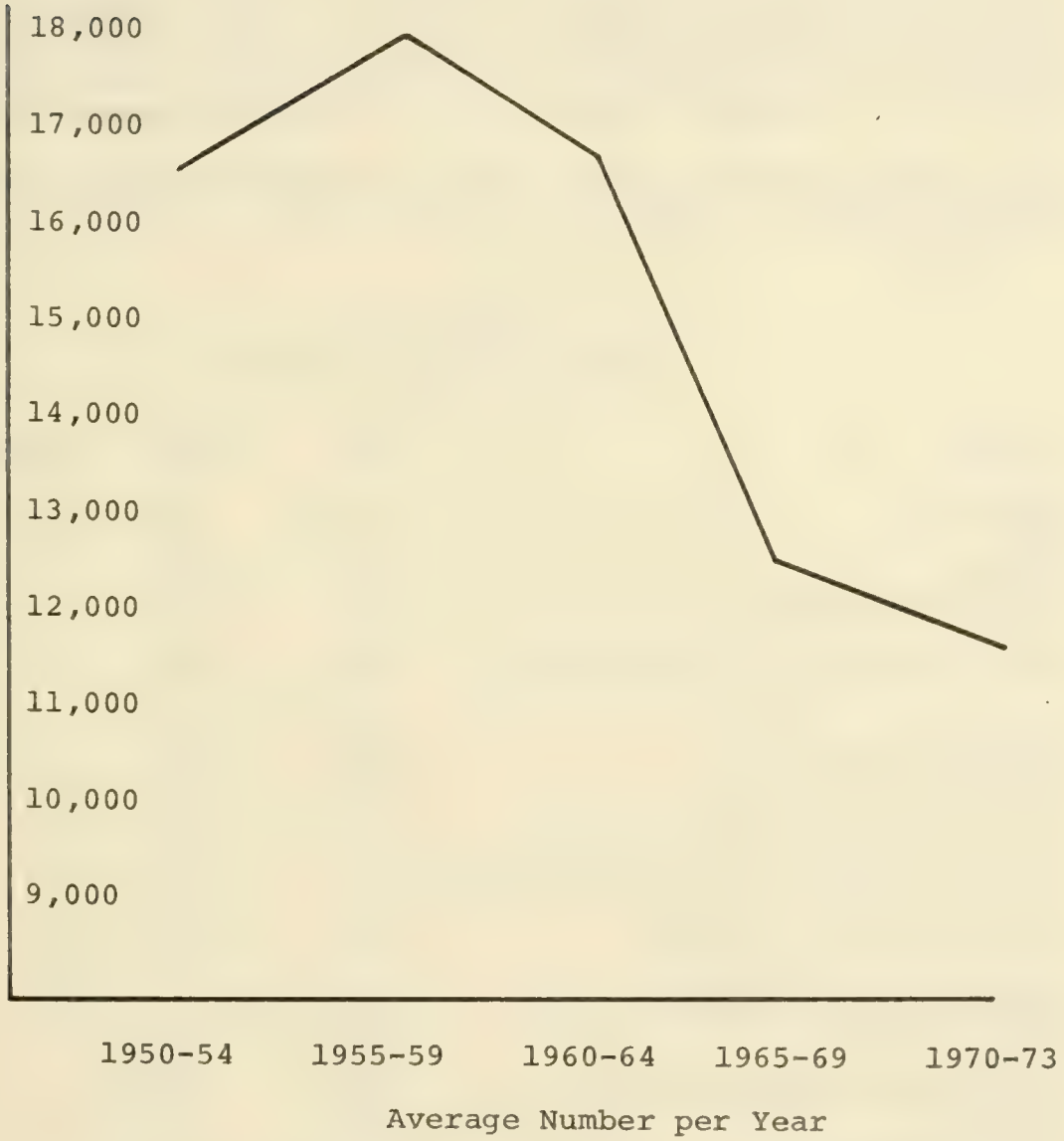
Sources: U. S. Department of Commerce, Bureau of the Census, *Census of Population*; and *Current Population Reports*, Series P-25, Nos. 375, October 3, 1967 and 388, March 14, 1968.

[1]Projections for 1975 and 1985 are the arithmetic means of Series I B and II D values.

[2]1975 and 1985 projections were made prior to the 1970 Census. See *Introduction* to this chapter.

The following illustration shows a peak of live births for the years 1955-59. In 1976, this group is reaching the ages of 17-21.

Illustration A-2
Live Births *



*Source: 1975 statistics from Office of the Superintendent of Public Instruction, Helena

Montana Offense Data

The crime rate for the state as a whole for 1976 was 4,267.9, which means there were 4.3 crimes (seven major offenses) for every 100 Montanans. This figure is down 3.1% over the previous year.

Data supporting the crime figures for 1976 in this section came from all 56 counties reporting voluntarily to the Criminal Justice Data Center of the SPA. This system of statewide data collection has been in effect since 1973. FBI Uniform Crime Report (UCR) data for 1976 becomes available for the state too late to be included in this report. The SPA data, however, is more complete than that furnished by the UCR because the SPA experiences more complete reporting.

The total number of offenses reported in 1976 statewide was 48,550, an increase of 2.4% over 1975, as shown in Table B-1.

Table B-1
Crime Incidence Comparison
1975-1976

OFFENSE	1975	1976	Percent Change
Homicide	46	41	- 10.9
Rape	132	124	- 6.1
Robbery	347	283	- 18.4
Aggravated Assault	1462	1137	- 22.2
Total Offenses against Persons	1987	1585	- 20.2
Burglary	7240	6665	- 7.9
Larceny-theft	21417	21560	+ .7
Motor Vehicle Theft	2530	2327	- 8.0
Total Offenses against Property	31187	30552	- 2.0
Total 7 Major Offenses	33174	32137	- 3.1
Negligent Manslaughter	28	17	- 39.3
Other Assaults	1309	1275	+ 5.0
Arson	77	156	+102.6
Forgery and Counterfeiting	453	626	+ 38.2
Fraud	1036	1331	+ 28.5
Embezzlement	23	18	- 21.7
Stolen Property	241	200	- 17.0
Vandalism	7672	9233	+ 20.3

Table B-1 (Continued)
Crime Incidence Comparison
1975-1976

OFFENSE	1975	1976	Percent Change
Weapons	326	539	+ 65.3
Prostitution	23	38	+ 65.2
Sex Offenses	333	350	+ 5.1
Drugs	1759	1702	- 3.2
Gambling	47	66	+ 40.4
Offense against Family	905	762	- 15.8
Total Other Offenses	14232	16413	+ 2.4

Table B-2
Montana Offense Data

1973 - 1974 - 1975 - 1976

Table
Number of Offenses
(Seven Major)

"Person Crimes"	1973	1974	% Change	1975	% Change	1976	% Change
Homicide	48	44	- 8.3	46	+ 4.6	41	- 10.9
Rape	128	107	-16.4	132	+23.4	124	- 6.1
Robbery	291	296	+ 1.7	347	+17.2	283	- 18.4
Assault	1172	1038	-11.4	1462	+40.9	1137	- 22.2
Total "Person Crimes"	1639	1485	- 9.4	1987	+33.8	1385	- 20.2
"Property Crimes"							
Burglary	5501	6387	+16.1	7240	+13.4	6065	- 7.9
Larceny/Theft	15754	19339	+22.7	21417	+10.7	21560	+ .7
Motor Vehicle Theft	1687	2116	+25.4	2530	+19.6	2327	- 8.0
Total "Property Crimes"	22942	27842	+21.3	31187	+12.0	30552	- 2.0
TOTAL SEVEN INDEX OFFENSES	24581	29327	+19.3	33174	+13.1	32137	- 3.1

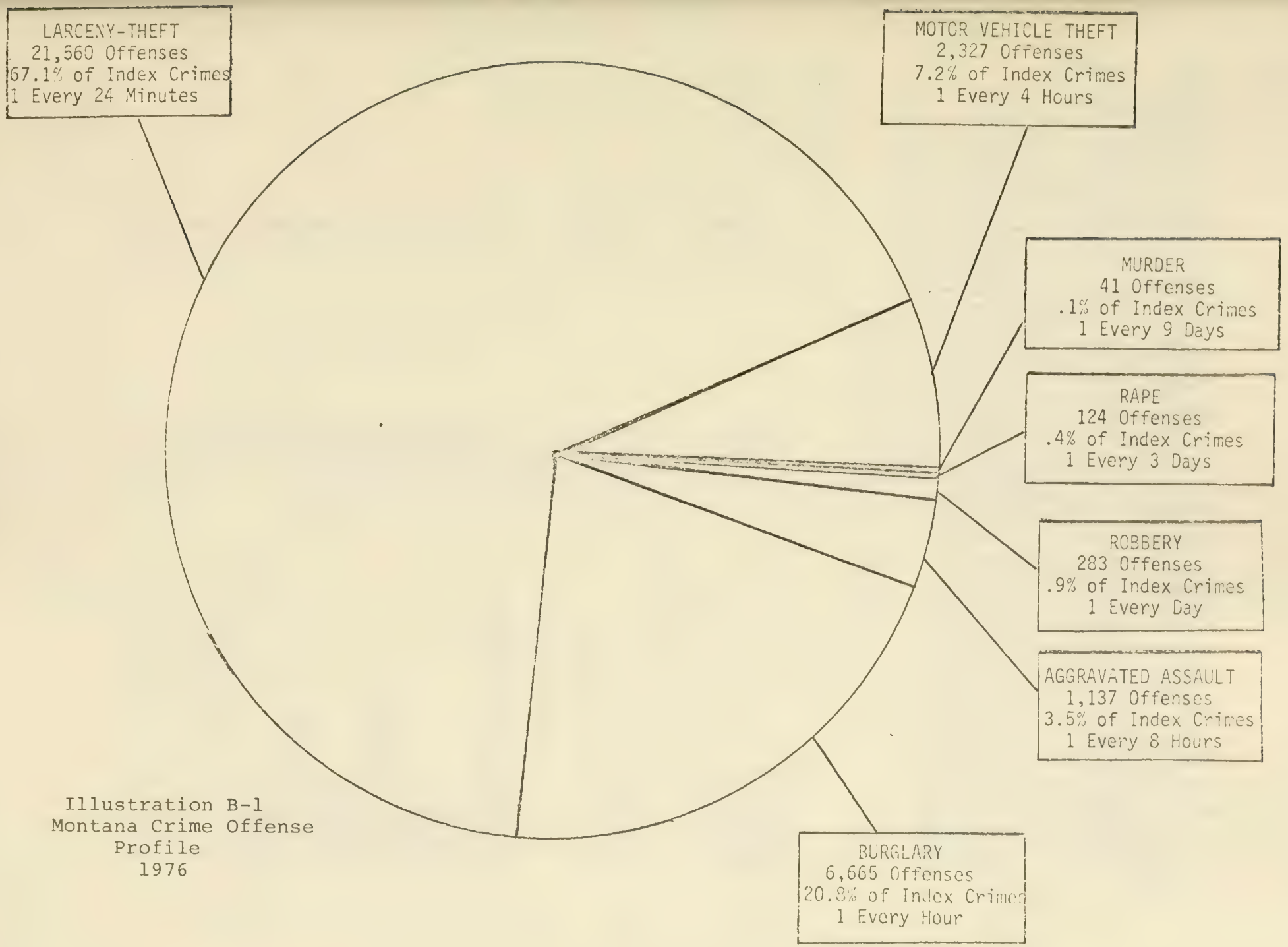


Illustration B-1
Montana Crime Offense
Profile
1976

A profile of Montana crime for 1976 is presented in Illustration B-1. This graph lends itself well to showing the proportions of the major index crimes as they relate to the total index crime picture. It is worthwhile to note the larceny-theft category accounts for 67.1% of all index crimes. In addition, property crimes consisting of larceny-theft, burglary, and motor vehicle theft account for 95.1% of all the major crimes reported in 1976.

Table B-3 indicates the individual occurrence of reported crimes in relationship to the overall incidence by percent of total reported crimes. By this comparison, it should be noted that the major property crimes constitute 62.9% of the total crimes reported.

Table B-3
PERCENT OF TOTAL OFFENSES
1976

Homicide	41	.1
Rape	124	.3
Robbery	283	.6
Aggravated Assault	1137	2.3
Total Violent Crimes	1585	3.3
Burglary	6665	13.7
Larceny-theft	21560	44.4
Motor vehicle theft	2327	4.8
Total Property Crimes	30552	62.9
Negligent Manslaughter	17	0
Other Assaults	1275	2.6
Arson	156	.3
Forgery	626	1.3
Fraud	1331	2.7
Embezzlement	18	0
Stolen Property	260	.4
Vandalism	9233	19.0
Weapons	534	1.1
Prostitution	38	.1
Sex Offenses	350	.7
Drugs	1702	3.5
Gambling	66	.2
Offenses Against Family	762	1.6
Total Other Offenses	16413	33.8
Grand Total Offenses	48550	100%

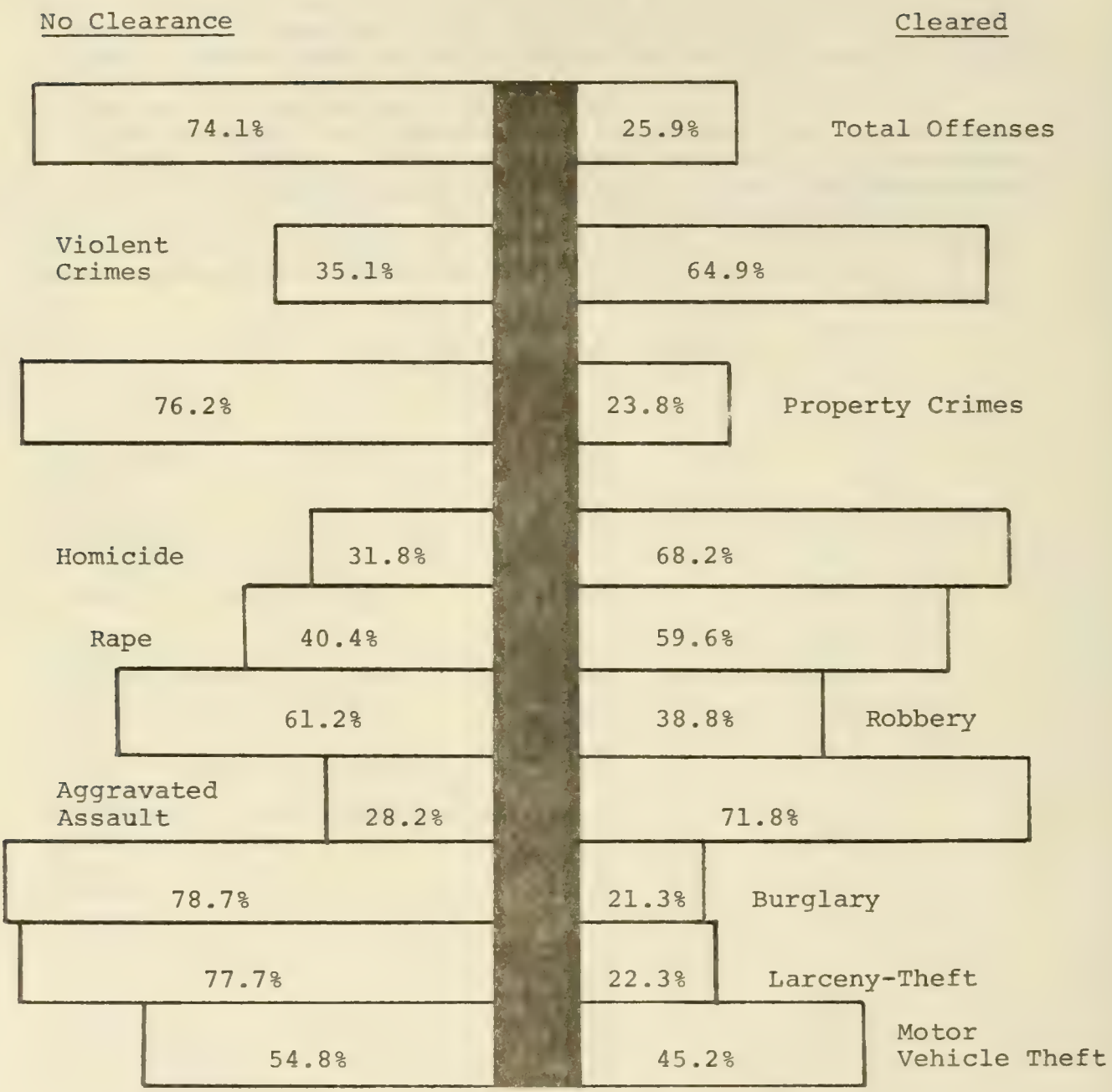
Clearances

During 1976, 8,328 major offenses were cleared by arrest for a clearance rate of 25.9%. This compares to the 1975 clearance rate of 27.3%, indicating a 1.4% decline in the number of major crimes cleared by the arrest of an individual in 1976.

A major crime index offense is cleared when a law enforcement agency has identified the offender and there is enough evidence for a charge. The arrest of one person can clear several crimes, or several persons may be arrested in the process of clearing one crime.

Illustration B-2 is a graphic presentation of the percent clearances by type of offense.

Illustration B-2
% of Offenses Cleared by Arrest - 1976



MONTANA ARREST DATA

Montana arrest statistics are a summary of arrest activity reported through the Monthly Arrest Register system. Data on arrests was submitted by 55 county sheriff departments, 52 police departments, and seven tribal police departments.

Table B-4

Felony and Misdemeanor Arrests-1976

Felonies	#Arrests	Misdemeanors	#Arrests
Homicide	50	Alcohol-Related	13,349
Rape	57	Public Conduct	5,583
Robbery	151	Juv. Delinquency	5,361
Assault	1031	Victimless	55
Burglary	1074	Traffic	1,143
Theft	1818	Minor Theft	2,810
Motor Vehicle Theft	545	Other	13,100
Checks, Card Forgery	710	Total Misdemeanor Arrests	41,401
Sex	86		
Drugs	1812		
Weapons	171		
Arson	47		
Federal	153		
Others	1107		
Total Felony Arrests	8812		
Total Felony and Misdemeanor Arrests			50,213

Table B-5
Seven Major Offenses
Arrests by Offense & Age
1976

Seven Major Offenses	TOTAL	1-11	12-15	16-17	18-19	20-25	26-29	30-39	40-49	50-59	60+	Unk.
Homicide	50	0	0	4	12	12	3	5	6	1	7	0
Rape	57	0	2	5	7	12	11	13	4	2	0	1
Robbery	151	0	12	24	40	43	15	6	11	0	0	0
Assault	1031	6	65	71	103	308	134	176	76	47	13	32
Burglary	1074	44	260	259	213	189	35	41	9	1	3	20
Larceny-Theft	1818	24	183	224	358	461	148	147	83	69	31	40
Motor Vehicle Theft	545	0	142	114	101	104	22	28	16	11	2	5
	4726	74	604	701	834	1129	368	466	205	131	56	98

Illustration B-3
Seven Major Arrests by Age of Offender
1976

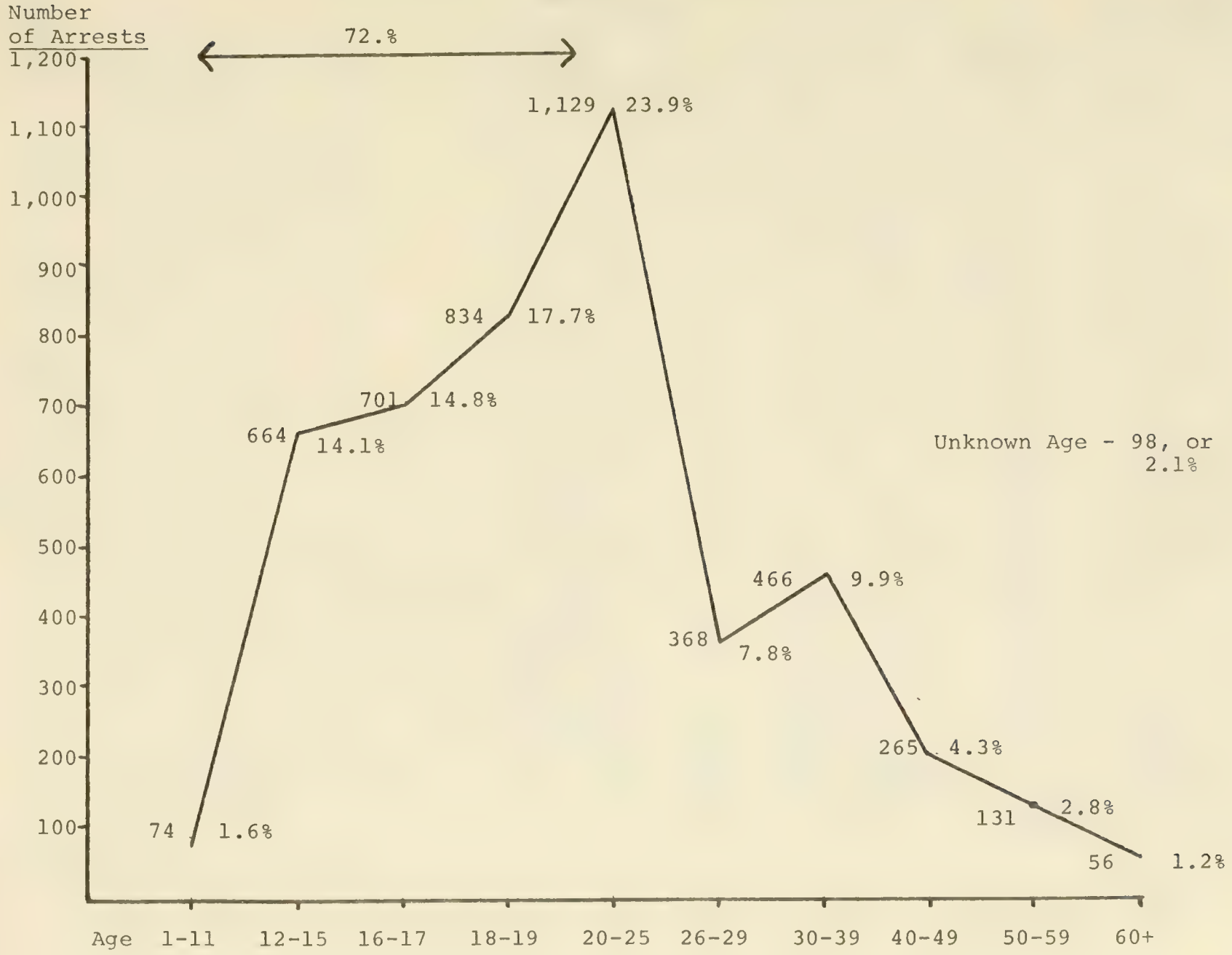
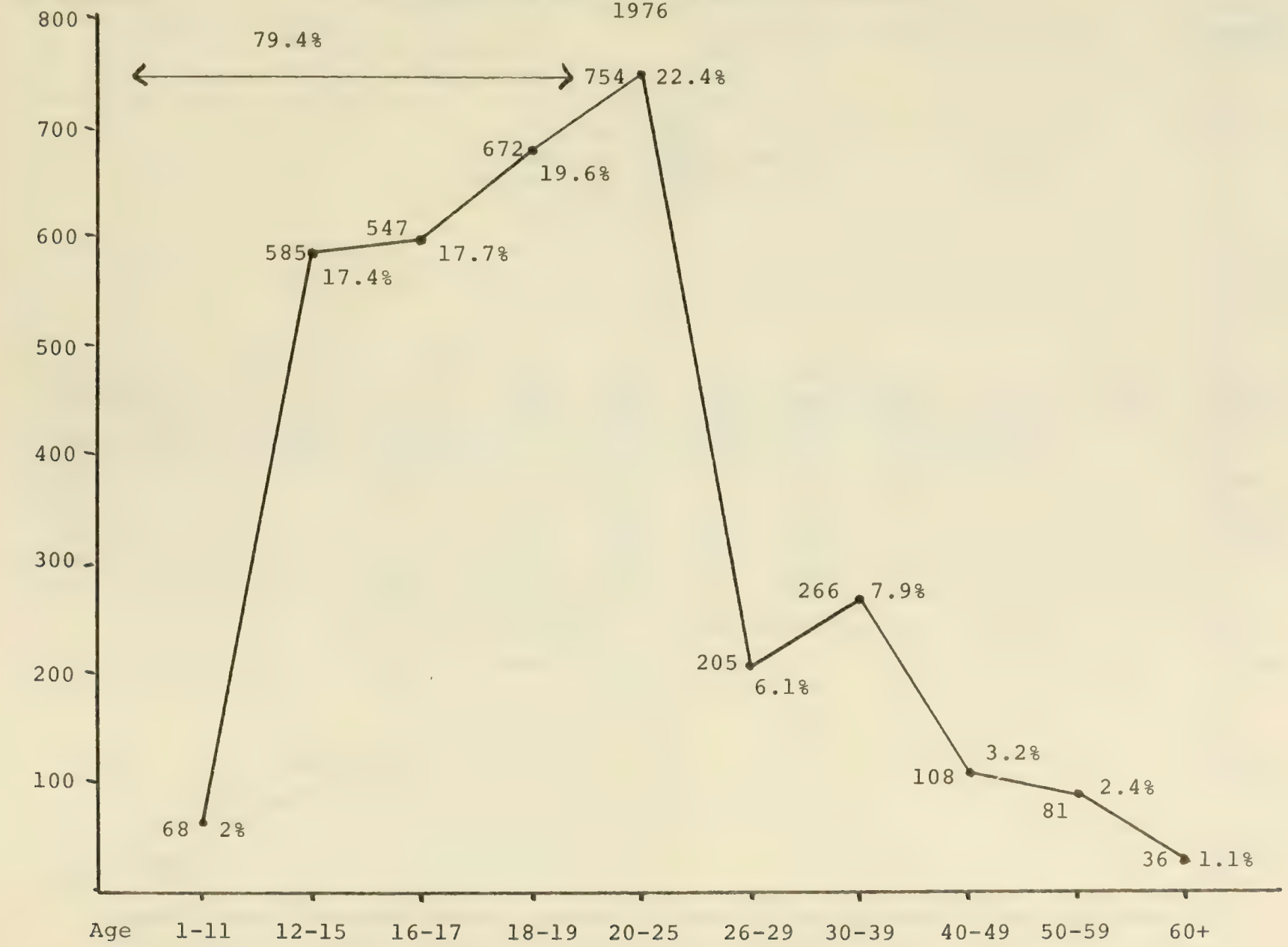


Illustration B-4
Property Crime Arrests by Age of Offender
1976



Montana arrest activity considered only as a number of arrests is almost of no value for planning purposes. It becomes of far greater value to consider age groups of offenders.

For the seven major offenses by age of offender, as shown in illustration B-3, 72% of all arrests were of individuals 25 years of age and younger and 48.2% were 19 years old and younger.

Since 95.1% of all the seven major crimes that occur are property crimes, as shown in illustration B-1 (Montana Crime Offense Profile), further offender information has been indicated in illustration B-4 (Property Crime Arrests by Age of Offender), showing 79.4% of these property crime arrests are of individuals under the age of 26. Of all the major property crime arrests, 56.7% are of individuals under the age of 20.

Arrest data on offenders may not be the best indicator of who is committing certain offenses, but it is the best information currently available to the SPA.

Considering the various tables and illustrations on the incidence of crime and ages of offenders, property crimes committed by individuals under the age of 26, especially those committed by juvenile offenders (under the age of 18), have been determined to be major crime concerns for the criminal justice system in Montana.

Consumer (Victimization) Surveys

The most recent consumer surveys were conducted by the SPA Criminal Justice Data Center in 1975 and in 1976.

The first survey involved 2,000 questionnaires, of which 1,000 were distributed to names chosen at random from county jury lists, and 1,000 were sent to selected high schools for distribution to seniors in civics classes. Even though there was a high proportion of respondents in the younger age groups, their data was combined with that of the other groups since their concerns were much the same.

Of the 904 respondents in the first survey, 516 said they or a family member had been a victim of a crime. Almost 60% of those said they had reported the crime to police, but 35.9% said they had not, for various reasons such as the incident did not seem important enough, the police are rarely able to do anything about it, and the courts do not follow through and see that justice is done.

The crimes they reported having been victims of were the following:

	number of persons victimized	number of crimes reported to police
Aggravated assault	23	12
Rape	4	0
Robbery	37	19
Burglary	71	58
Larceny	148	97
Auto Theft	19	18
Vandalism	130	58
Bad checks, fraud	41	24

Theft and vandalism were the crimes that concerned the largest number of respondents, yet only 27.9% indicated they had made written inventories of their valuable property items.

When asked how many additional tax dollars, if any, they would be willing to pay to reduce the threat of crime, 67.1% of the respondents said they would be willing to pay various additional amounts, while the rest said they would not pay more.

When asked about consolidation of law enforcement into one city/county operation, 73.4% favored consolidation of police and sheriff agencies and 81.6% favored consolidation of criminal records.

On the question of who should have the responsibility for the state's correctional effort, more than one-third said state

government, where the responsibility is now, while 27.1% said local government and 21.8% said the community should bear the responsibility. Interestingly, 48.9% favored some type of local or community correctional facility.

When asked about support for law enforcement measures currently available to reduce criminal activity, 62.3% said they favored more severe penalties. Handgun registration was deemed necessary by 38.8% and undesirable by 41.9%.

According to the quality of past performance, city police and county sheriff departments were most frequently rated "good" and "average." Twenty-eight percent had no opinion as to juvenile probation officers, and 43% had no opinion on adult parole officers and juvenile aftercare counselors, indicating the respondents were not familiar with these aspects of the criminal justice system.

The second survey of 1,500 questionnaires was distributed to jury list names in the 14 counties with the highest crime rates. These counties also account for 66% of the state's population.

Of the 522 respondents, 298 indicated they or a family member had been a victim of a crime and 70% of these victims had reported the crimes to police, while 30% did not, primarily because they felt that reporting was useless and nothing would be done, that the police do not respond quickly enough, and that further along in the criminal justice process, the courts are not effective.

The crimes they reported having been victims of were the following:

	number of persons victimized	number of crimes reported to police
Aggravated assault	7	6
Rape	5	2
Robbery	7	7
Burglary	49	42
Larceny	86	67
Auto theft	19	18
Vandalism	101	53
Bad checks, fraud	24	14

Forty-nine percent of the respondents thought the privacy of arrest and criminal records is very to moderately important.

When asked for suggestions as to how to reduce crime in Montana, 32% recommended longer confinement for convicted

criminals, 28% suggested mandatory jail sentencing, and 13% said increasing the number of police would help.

Fifty-six percent felt most sentences given first offenders are too light and eighty-seven percent felt most sentences given second offenders are too light.

When asked what the most important goal of the Montana corrections system should be, 42% responded "protecting society from future crimes an individual might commit," 30% said "rehabilitating the individual so that he might become a productive citizen," and 25% said "punishment of the individual convicted of a crime."

Seventy-five percent said they would pay additional tax dollars to reduce the threat of crime.

Theft, murder, and drug-related crimes were of most concern to those responding.

Concerning consolidation of various aspects of law enforcement, most respondents favored combining police and sheriff agencies, criminal records, jails, radio communications, city courts/justice of the peace courts, city/county prosecutors, detective units, and juvenile officers in order to have a more efficient operation and use manpower more effectively.

Thirty-five percent believed law enforcement personnel spend most of their time patrolling, and 28% believed most of their time was spent answering complaints.

Provider Survey

The SPA Data Center also conducted a provider survey in 1976, gathering opinions of the following sectors of the criminal justice system. Out of 245 questionnaires mailed, 59% were returned.

Type Agency	Number Responding
Law Enforcement	64
Courts	44
Corrections	10
Prosecution	11
Juvenile Probation	15

Taken as a group, 24% of the respondents said that mandatory sentencing would reduce crime in the state, 22% said longer confinement of convicted criminals would reduce crime, and 18% said crime prevention programs would.

On the question of sentences for criminal offenders, 55% said sentences given first offenders are "about right" and 42% said those sentences are too light, but 79% said sentences given second offenders are too light.

Protecting society from future crimes an individual might commit was judged to be the most important goal of the Montana corrections system by 53%, while 20% favored punishment of the individual and 24% favored rehabilitating the individual. Note the similarity of this and the responses in the second consumer survey.

When asked whether courts, law enforcement, and corrections are more effective now than five years ago, 69% said law enforcement is more effective, 32% said courts are more effective, but 45% said corrections are less effective.

The group saw theft and burglary as the most serious problems in their communities, with drugs in third place.

Sixty-five percent said privacy of arrest or criminal records is moderately to very important.

By an overwhelming margin the providers favored combining criminal records systems (91%), jail facilities (89%), and radio communications (83%) into one city/county operation, while 63% favored combining city courts and justice of the peace courts, 61% favored combining city/county prosecutors, and 55% favored combining police and sheriff agencies.

Eighty-nine percent saw the law requiring all law enforcement personnel to complete the basic police course at the Law Enforcement Academy as beneficial.

When asked how their time is spent, they reported 30% is spent on answering complaints and inquiries, 29% on patrolling, and 22% on traffic enforcement, while they judged only 14% is spent on investigating crimes. These percentages are close to those reflecting what the consumer feels to be true, as shown by the second consumer survey.

The state of Montana is experiencing increasingly sophisticated criminal activity with which traditional law enforcement is often unable to contend. This is particularly true in the case of organized criminal activity, which is difficult to detect and equally difficult to investigate and prosecute. These crimes include, but are not limited to, gambling, extortion, frauds in public contracts, securities frauds, welfare frauds, complex consumer frauds, prostitution, upper level narcotics traffic, organized theft including fences, anti-trust violations, embezzlement, bribery and corruption, land swindles and subdivision fraud, insurance fraud, dishonest legal and accounting practices, and labor-business racketeering.

One of the major problems hindering the successful prosecution and investigation of these crimes is the constitutional makeup of Montana law enforcement. Despite recent changes in the state's constitution, criminal codes, and some forms of local government, Montana retains an Attorney General scheme that denies that office the power to prosecute any criminal cases except those uncovered by the legislative auditor. However, these cases are frequently turned over to local prosecutors because the Attorney General has only a regular staff of eight attorneys who are committed to other duties by the civil requirements of state government.

Montana has no state police, and no state bureau of investigation. The Montana Highway Patrol's jurisdiction basically is limited to primary and secondary highways. State regulatory agencies are incapable of making their influence felt statewide because they lack central and field staff needed to investigate violations of the law.

Although the capability for collecting intelligence exists in many state agencies, there are no mechanisms for collating, evaluating, and disseminating this information to state offices, local law enforcement agencies, or other interested and affected private and public organizations.

With no state assistance, local criminal prosecutions result solely from the efforts of local law enforcement agencies--the County Sheriff and the local Chief of Police. In all but the larger counties, these local departments lack the manpower, expertise, and financial resources required to deal with anything but street-level crime.

Finally, Montana's prosecutors, the county attorneys, are generally part-time officials, operating one or two-man offices and therefore are capable of supporting only the efforts of local law enforcement agencies.

Another major problem is the lack of intelligence operations on a statewide level. Transfer of intelligence information occurs only on an informal basis and as a result, investigations initiated by local law enforcement agencies are almost exclusively intra-agency operations. Although departments in the larger counties sometimes adopt a big brother attitude toward their counterparts in the smaller counties, assistance on complex investigations is limited by budgetary considerations. The small tax base in the lesser populated counties and an inadequate state budget preclude allocation of even the token funds required to take an active investigative stance against organized crime.

In 1976, for the first time ever, western Montana counties mutually and collectively applied for and received LEAA discretionary funds to establish a regional organized crime investigative prosecutive program. The goal as set forth in the grant is to clearly identify, vigorously investigate, and prosecute organized criminal activity on a regional basis through the establishment of an investigative prosecutive unit.

Various other goals are set forth to be reached within particular time intervals throughout the course of the grant. However, the ultimate goals of the project are: to create a model for a permanent centralized state investigative prosecutive unit; to initiate and support efforts to establish and improve legislation and regulations in controlling organized criminal activity; to seek permanent funding; to continue cases and investigations already in progress; and, to reduce organized criminal activity and obtain successful criminal, civil, or administrative prosecution of target organizations of criminals.

A further project objective is to provide a model approach for national rural organized crime investigative prosecutive units. If the project proves to be successful, at the end of the two-year developmental pilot period, a comprehensive report detailing the process for developing a unit such as this will be written and made available for nationwide use.

Because of this grant, many of the stated crimes that have been committed in Montana are now being investigated and prosecuted. Of those cases investigated and prosecuted, all have been the result of proactive investigations conducted by law enforcement agencies.

Refer to "Organized Crime and Civil Disorders" on page 441.

Drug Abuse in Montana

Within the past 10 years, drug activity has reached even the smallest rural communities in Montana.

Since 1971, the Criminal Justice Data Center has gathered information on drug arrests, and in 1973 began collecting information on drug offenses.

For the purposes of its study, the most valid indicator of drug activity is the number of drug arrests. This is because drug activity, like alcohol-related crimes, is an "immediate situation" in which the offense usually does not become a crime until the offender is arrested. However, it is nevertheless important to investigate the area of drug offenses, in which an offense occurs every five hours at a rate of 226.0 per 100,000 persons.

In this summary, both drug offenses and drug arrests have been placed in the categories of opiates, marijuana, dangerous drugs, and other drugs. Opiates consist of opium and cocaine and their derivatives including morphine, heroin, and codeine; marijuana consists of marijuana and its derivative of hasish; dangerous drugs consist of manufactured drugs such as LSD, demerol, and methadone; other drugs include dangerous non-narcotic drugs such as barbiturates, benzedrine, methadrine, and amphetamines.

During 1976 there were 1,702 narcotic drugs law violations reported by Montana law enforcement agencies. Out of that total, 1,456 drug offenses were cleared by arrest or exceptional means and of this total, 25.7% of the offenses cleared were by the arrest of persons under 18 years of age. Table E-1 shows an analysis of 1976 drug offenses by category.

Table E-1
Drug Offenses by Category
1976

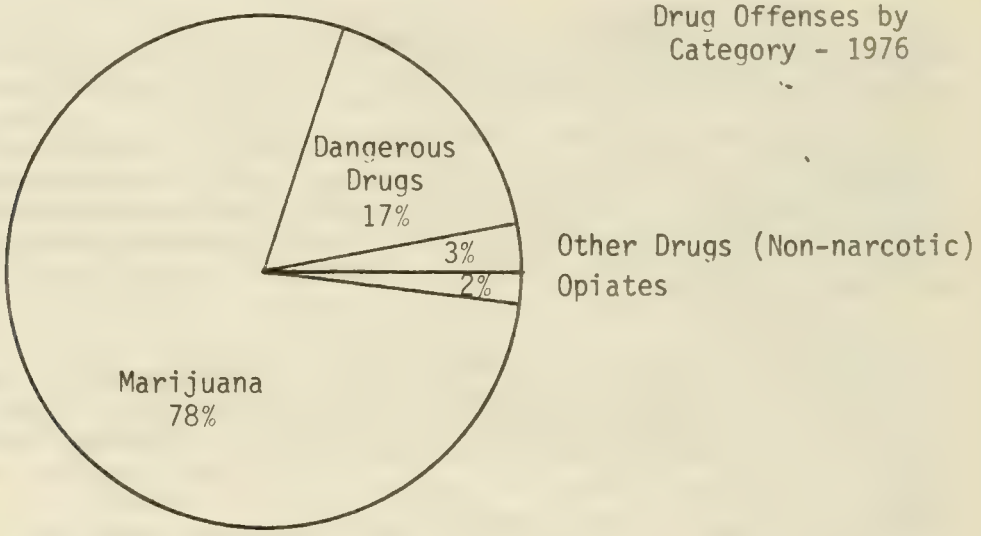
Category	Actual Offenses	% of Total	Cleared by Arrest	% of Total	Cleared by Arrest Under 18	% of Total
Opiates	29	.02	24	.02	4	.01
Marijuana	1328	.78	1130	.77	399	.91
Dangerous Drugs	297	.17	264	.18	32	.07
Other Drugs	48	.03	38	.03	2	.01
Total	1702	100	1456	100	437	100

In 1976, 1,456 offenses were cleared by arrest for a clearance rate of 85.5%. This rate is considerably above the statewide clearance rate of 28.5% for all other major felonies and high misdemeanor offenses. Furthermore, several areas in Montana have trained law enforcement teams which specialize in drug investigation and are highly successful in their efforts.

It has been commonly assumed that marijuana was the largest drug violation category in Montana. This summary tabulates the extent of the four drug categories to provide a total drug offense picture. Opiates account for 2% of all drug offenses; marijuana, 78%; dangerous drugs, 17%; and other drug offenses, 3%. This is shown in the following illustration.

Illustration E-1

Drug Offenses by Category - 1976



DRUG ARRESTS

Drug arrests for 1976 are summarized in 10 arrest categories, which include providing/selling, possession, and drugs-unknown level. Table E-2 shows the juvenile/adult drug arrest comparison.

The arrest tabulation in Table E-2 reveals similar comparisons to the offenses tabulation in Table E-1. Marijuana arrests account for 78% of all drug arrests, while marijuana offenses account for 75.4% of all drug offenses. Illustration E-2 shows the extent of marijuana drug violation charges in relation to other types of drug arrests. "Providing/selling" and "possession" drug arrests have been grouped together to show

Table E-2

Adult and Juvenile Drug Arrests

Category	Juvenile	% of Total	Adult	% of Total	Total	% of Total
Dangerous Drug--Unknown Level	57	10.9	294	22.8	351	19.4
Selling Opiates	0	0	9	.7	9	.5
Selling Synthetics	2	.4	9	.7	11	.6
Selling Non-Narcotics	0	0	11	.9	11	.6
Selling Marijuana	10	1.9	151	11.7	161	8.9
Possession Opiates	2	.4	14	1.1	16	.9
Possession Synthetics	1	.2	34	2.6	35	1.9
Possession Non-Narcotics	0	0	12	.9	12	.7
Possession Marijuana--Felony	38	7.3	200	15.5	238	13.1
Possession Marijuana--Misd.	412	78.9	556	43.1	968	53.4
Total	522	100.0	1290	100.0	1812	100.0
Percent of Total		28.8		71.2		

their extent according to the type of drug included in each category. Possession of drugs accounts for 70% of all drug arrests, while providing/selling involves 10.6% of all drug arrests. The arrest category of dangerous drug-unknown level accounts for 19.4% and consists of drug arrests which were not classified by the arresting agency.

The arrest profile reveals that marijuana is the predominant drug violation charge, accounting for 75.4% of all drug arrests. This is shown in Illustration E-2 on the following page.

Illustration E-2

Drug Arrests by Category
1976

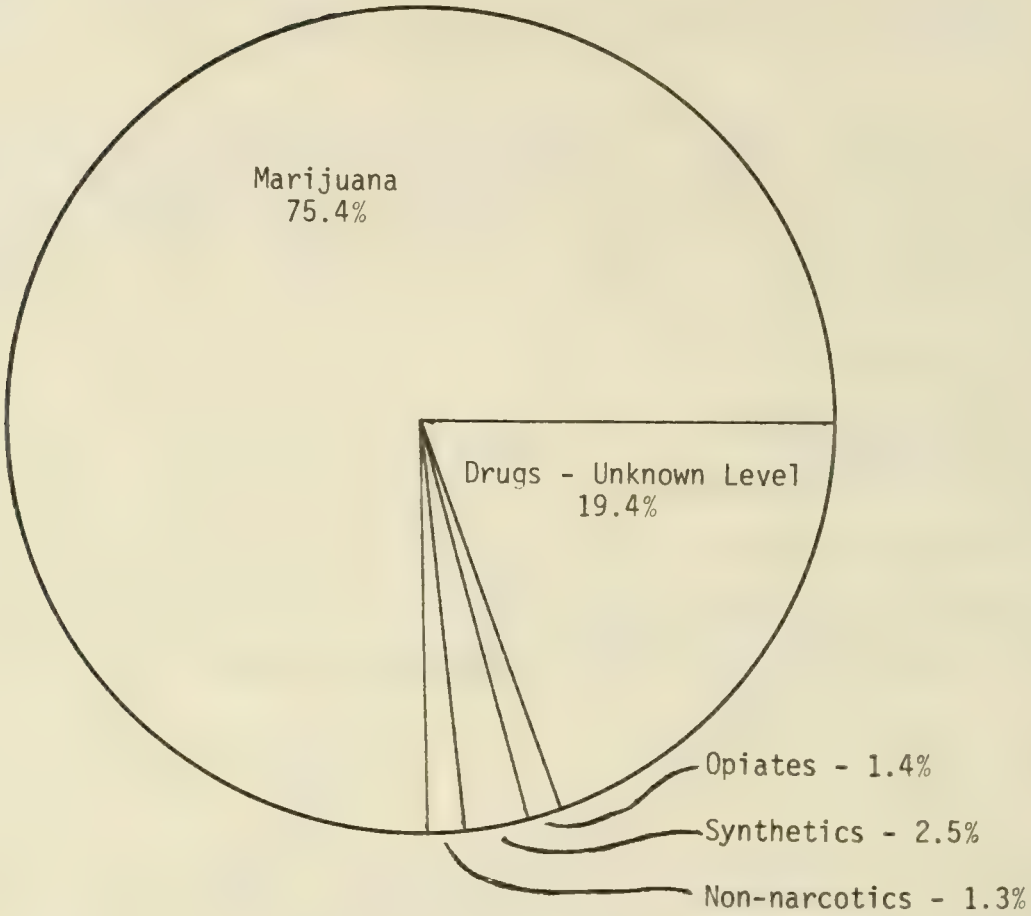


Illustration E-3 on the following page shows the drug arrest trend from 1971 through 1976. Drug arrests have steadily increased over the last six years. Juvenile arrests account for 28.8% of the total drug arrests in 1976.

Illustration E-3

Drug Arrests

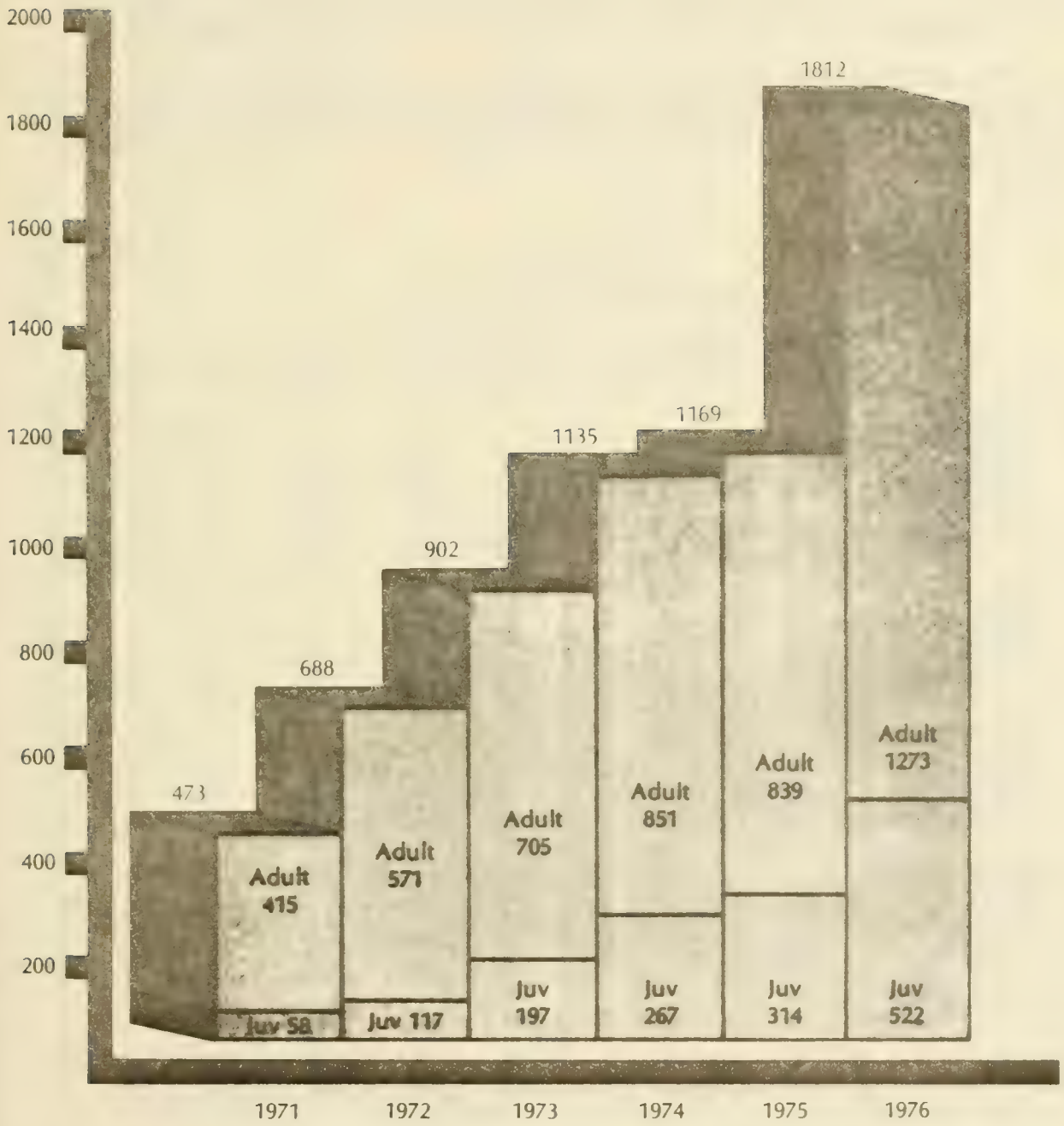


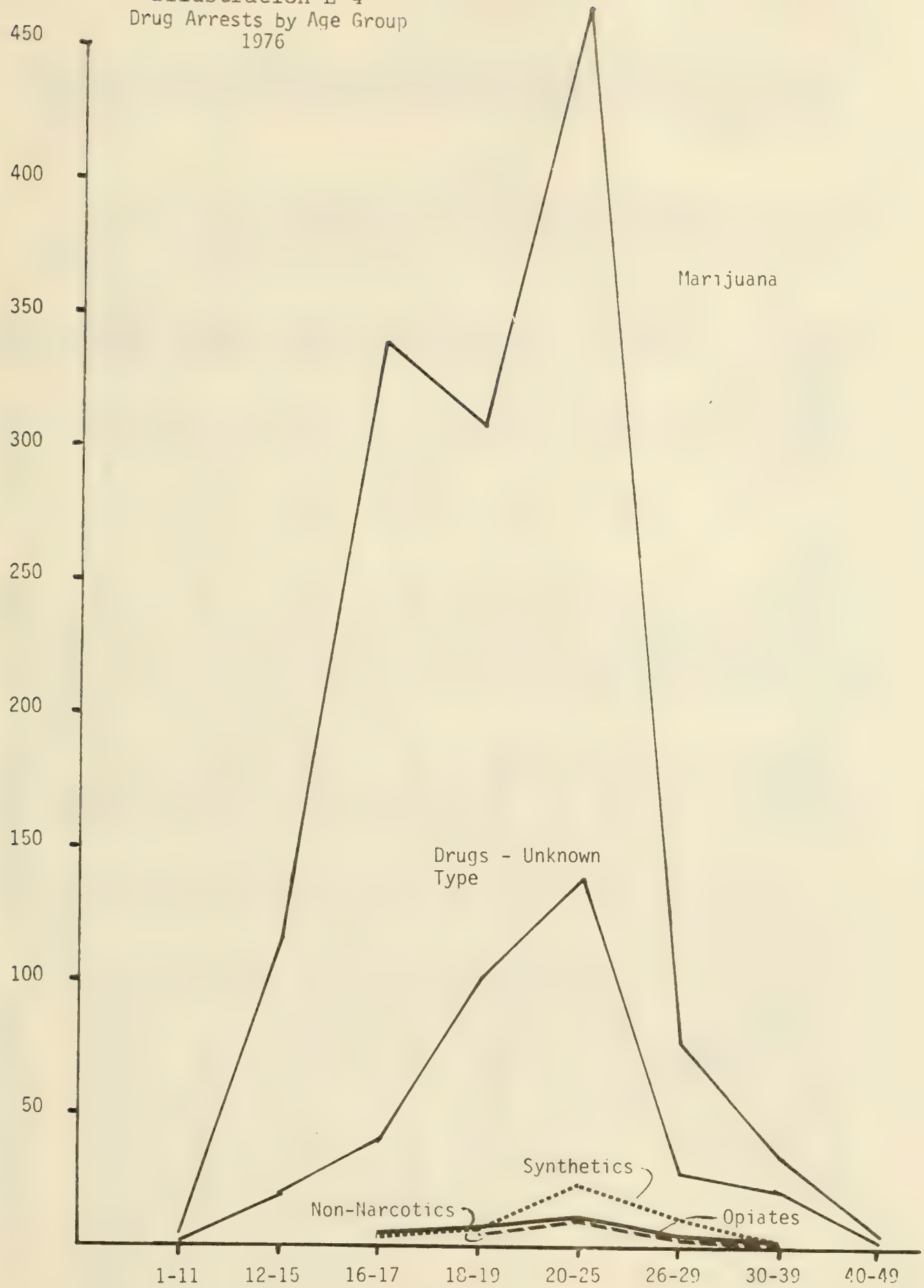
Table E-3 and Illustration E-4 compare drug arrests by age group. Activity in the categories of opiates and synthetics starts in the 16-17 age group, peaks in the 20-25 age group, and ends with the 30-39 age group. This trend is also characteristic of non-narcotics; however, no arrests occur earlier than the 18-19 age group. Marijuana arrests start at age group 1-11, peak in the 20-25 age group, drop considerably during the 26-29 age group, and level out and end with the 40-49 age group. The 20-25 age group dominates all drug arrests in every category.

The reason for the drastic decline in drug arrests for the 26-29 age group has not been evaluated, but it appears likely related to disenchantment with the drug scene and fear of being arrested.

Table E-3
Drug Arrests by Age Group

	1-11	12-15	16-17	18-19	20-25	26-29	30-39	40-49
Marijuana								
Possession								
Felony	0	8	30	55	119	17	8	0
Misdemeanor	5	109	298	227	261	33	21	4
Selling	0	0	10	26	87	27	7	2
Subtotal	5	117	338	308	467	77	36	6
Opiates								
Sell	0	0	0	4	2	2	0	0
Possession	0	0	2	2	8	3	1	0
Subtotal	0	0	2	6	10	5	1	0
Synthetics								
Sell	0	0	2	1	5	3	0	0
Possession	0	0	1	5	19	8	2	0
Subtotal	0	0	3	6	24	11	2	0
Non-Narcotics								
Sell	0	0	0	2	5	3	0	0
Possession	0	0	0	3	6	2	1	0
Subtotal	0	0	0	5	11	5	1	0
Drugs Unknown	2	14	41	102	138	28	18	4
Total	7	131	384	427	650	126	58	10

Illustration E-4
Drug Arrests by Age Group
1976



The Department of Institutions reports admissions to the Southwestern Montana Drug Program clinics in 1976 as shown in the table below: by type of admission, sex, age, and primary drug problem.

Table E-4
Admissions
Southwestern Montana Drug Program
January 1, 1976, through December 31, 1976

	Morning-Star	Butte	Bozeman	Helena	Anaconda	Light-House	Total
Type of Admission							
First	111	94	51	39	63	21	379
Readmission	2	29	10	12	2	7	62
Transfer	0	4	3	8	1	4	20
Total	113	127	64	59	66	32	461
Sex							
Male	76	74	41	29	55	26	301
Female	37	53	23	30	66	32	160
Total	113	127	64	59	66	32	461
Age							
Under 18	102	34	21	21	21	3	202
18-20	8	25	18	12	17	8	88
21-25	2	31	12	16	11	12	84
26-30	1	19	9	8	5	8	50
Over 30	0	18	4	2	12	1	37
Total	113	127	64	59	66	32	461
Primary Drug Problem							
Opiates	1	22	13	5	4	2	47
Alcohol	98						98
Barbiturates	1	16	8	3	14	3	45
Other Sedatives		18	7	3	11	3	42
Amphetamines	1	52	26	39	22	17	157
Cocaine		2		1		2	5
Marijuana	1	5	3	1	3	2	15
Hallucinogens		8	4	3	10	3	28
Inhalents		4	2	4	1		11
Other	11		1	1	1		14
Total	113	127	64	59	66	32	461

Alcoholism in Montana

The Montana Department of Institutions estimates that the number of alcoholics in the state's total population is 5%, or 34,270, and estimates the alcoholism rate among Indians to be from 10% to 50%.

Montana ranks fourth among the states in per capita consumption of beer alone. Figures for total alcohol consumption are not available at this time.

For planning purposes, the Department of Institutions considers that alcoholics make up 8.5% of the state's population, or

	57,902
plus 50% Indians	13,565
for total of	71,467

The Department cites the Alcoholism Digest's estimate that 55% of all arrests in the United States are alcohol-related and that many involve violent crimes. The Department finds that with consumption of alcohol, emotional-type crimes against persons are quite high (60% or more). These crimes include homicide, suicide, assault, and rape.

If it can be assumed that Montana at least follows the national average, in sheer numbers a serious problem is evident. In all probability, Montana exceeds the national average based on its very high per capita consumption rate.

The Department reports 6,949 (5,212 or 75% males, 1,598 or 23% females) alcohol-related admissions from July, 1976, to June, 1977 to 27 treatment facilities in the state.

Refer to the section on Indian Criminal Justice Systems and also to the arrest figures in this section.

High Crime/High Law Enforcement and Criminal Justice Activity Areas

Crime Rate by County

Nine counties have crime rates over the state crime rate of 4267.9, and 21 have crime rates over 3000.

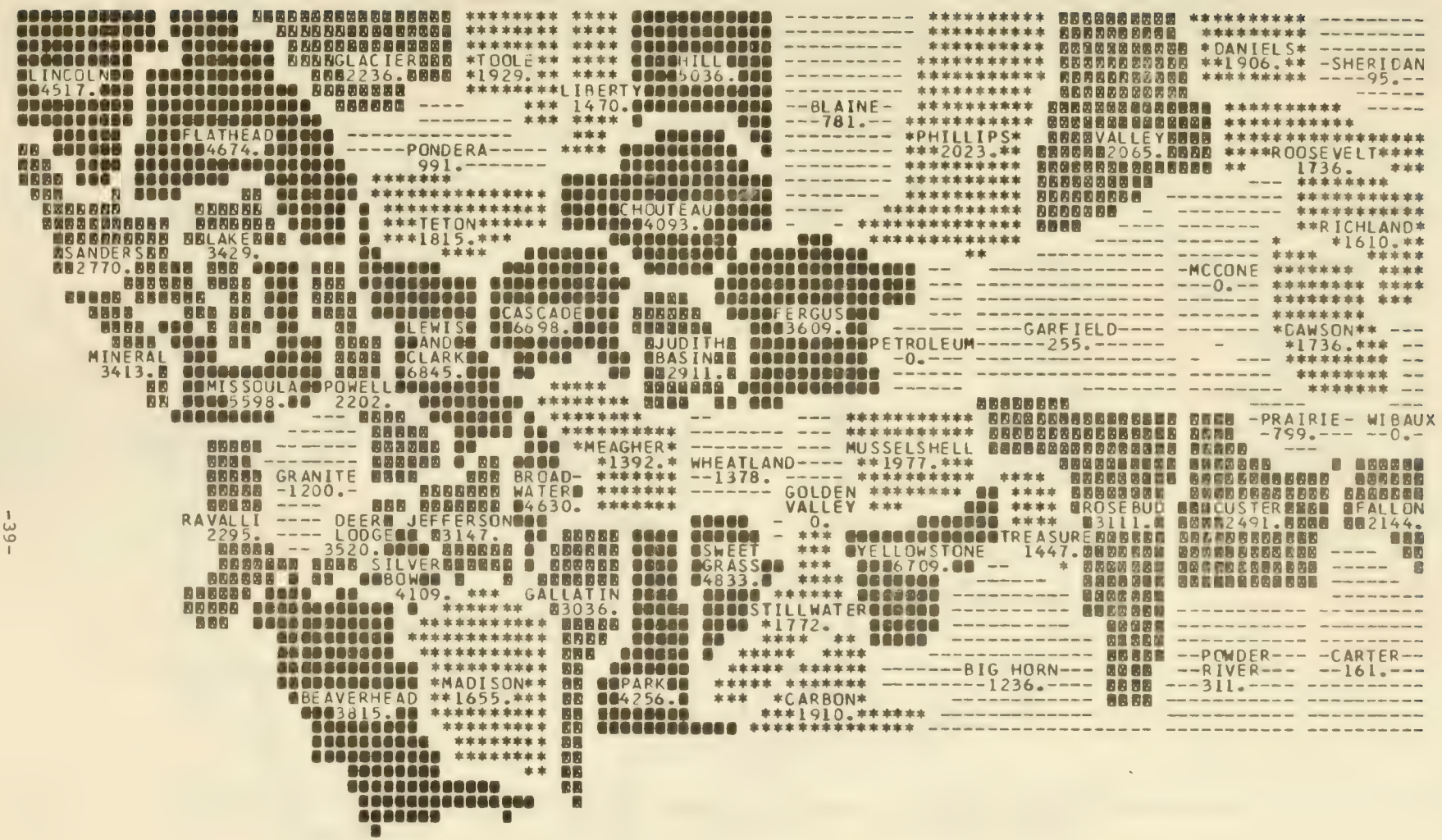
Table G-1 shows a comparison of crime rates among Montana's counties.

Table
Crime Rate by County
1976

1.	Lewis and Clark	6845.2	29.	Valley	2064.9
2.	Yellowstone	6709.4	30.	Musselshell	1976.7
3.	Cascade	6698.3	31.	Toole	1928.5
4.	Missoula	5597.6	32.	Carbon	1909.6
5.	Hill	5036.2	33.	Daniels	1906.1
6.	Sweet Grass	4833.2	34.	Teton	1815.4
7.	Flathead	4673.9	35.	Stillwater	1772.3
8.	Broadwater	4630.0	36.	Dawson	1735.7
9.	Lincoln	4516.7	37.	Roosevelt	1735.6
	STATE AVERAGE	4267.9	38.	Madison	1654.6
10.	Park	4256.0	39.	Richland	1610.4
11.	Silver Bow	4109.0	40.	Liberty	1470.0
12.	Chouteau	4093.0	41.	Treasure	1446.8
13.	Beaverhead	3814.8	42.	Meagher	1392.1
14.	Fergus	3609.6	43.	Wheatland	1378.5
15.	Deer Lodge	3519.6	44.	Big Horn	1236.4
16.	Lake	3429.2	45.	Granite	1200.0
17.	Phillips	3420.1	46.	Pondera	991.4
18.	Mineral	3413.1	47.	Prairie	799.1
19.	Jefferson	3146.9	48.	Blaine	780.8
20.	Rosebud	3111.3	49.	Powder River	310.7
21.	Gallatin	3035.6	50.	Garfield	255.3
22.	Judith Basin	2911.2	51.	Carter	161.2
23.	Sanders	2770.0	52.	Sheridan	94.5
24.	Custer	2491.2	53.	Golden Valley	0
25.	Ravalli	2295.0	54.	McCone	0
26.	Glacier	2235.5	55.	Petroleum	0
27.	Powell	2202.4	56.	Wibaux	0
28.	Fallon	2144.0			

Illustration G-1

MONTANA BOARD OF CRIME CONTROL
CRIME RATE PER 100,000 POPULATION, 1976
OFFENSES KNOWN TO POLICE



----	0.	-1378.	LOW QUARTILE
****	1392.	-2023.	MEDIUM LOW QUARTILE
▒▒▒▒	2065.	-3520.	MEDIUM HIGH QUARTILE
▒▒▒▒	3609.	-6845.	HIGH QUARTILE

In Montana, 10 counties have been selected for consideration as high crime incidence/law enforcement activity areas. Actually, only nine counties have a crime rate exceeding the state crime rate of 4267.9. The designation of these counties as high crime areas is based on data collected by the Crime Control Division for law enforcement agencies throughout the state.

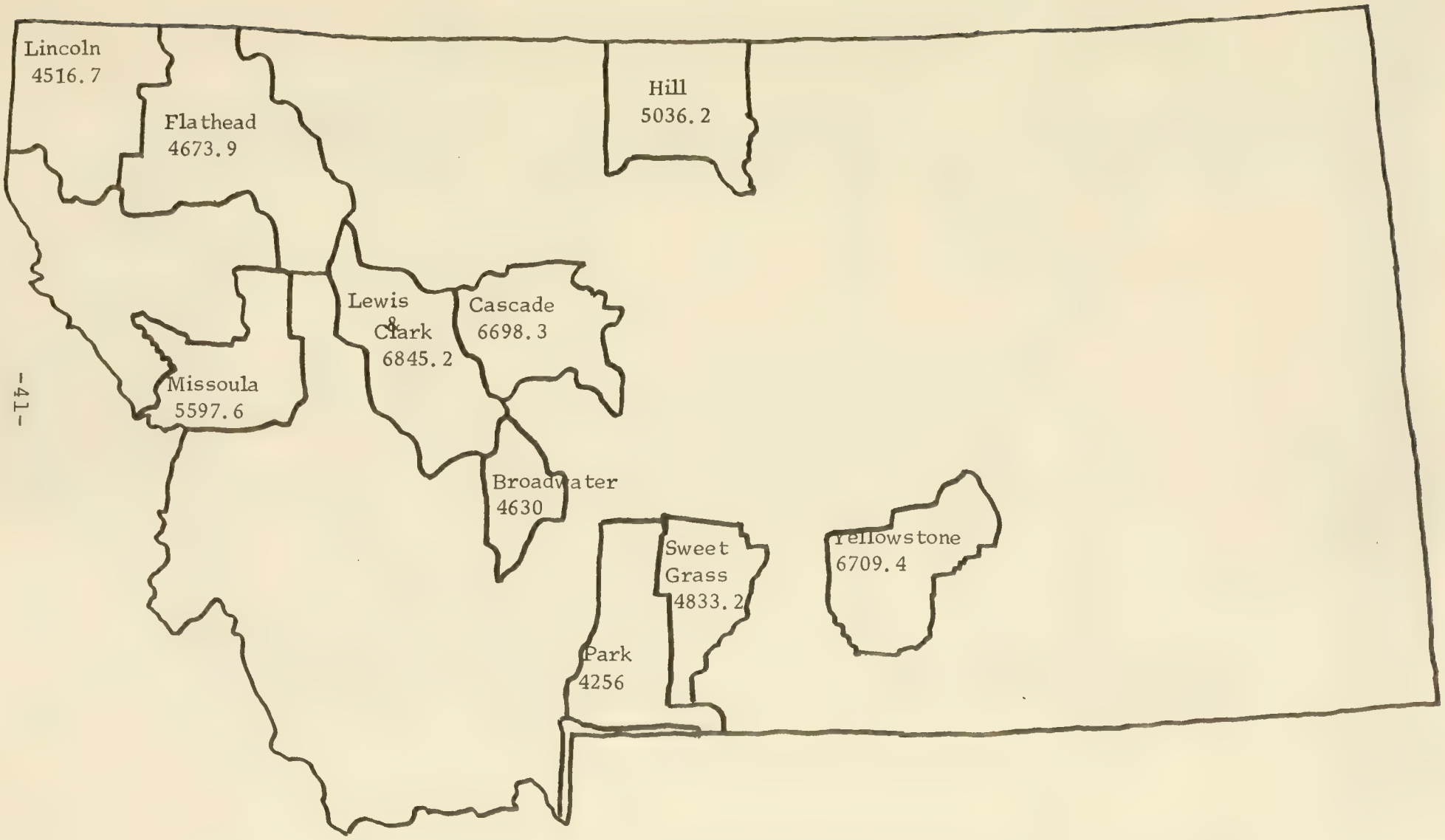
Table G-1
High Crime Incidence Areas--Index Crimes

County	Crime Rate	No. of Seven Major Crimes	County Population	County Sq. Miles	Population Density
1. Lewis & Clark	6845.2	2474	36,142	3513	10.3
2. Yellowstone	6709.4	6401	95,404	2666	35.8
3. Cascade	6698.3	5557	82,961	2673	31.0
4. Missoula	5597.6	3728	66,600	2624	25.4
5. Hill	5036.2	883	17,553	2946	6.0
6. Sweetgrass	4833.2	142	2,938	1849	1.6
7. Flathead	4673.9	2028	43,390	5280	8.2
8. Broadwater	4630.0	127	2,743	1245	2.2
9. Lincoln	4516.7	699	15,476	3728	4.2
State Total	4267.9	32137	753,000	146869	5.1
		68.6% of state total	48.2% of state total	20% of state total	

Table G-2
High Crime Counties
Clearances-1976

	Total Seven Major Offenses	Percent	Cleared by Arrest	Percent Cleared by Arrest
High Crime Counties	22,039	68.6	5272	23.9
State Total	32,137	100.0	8328	25.9

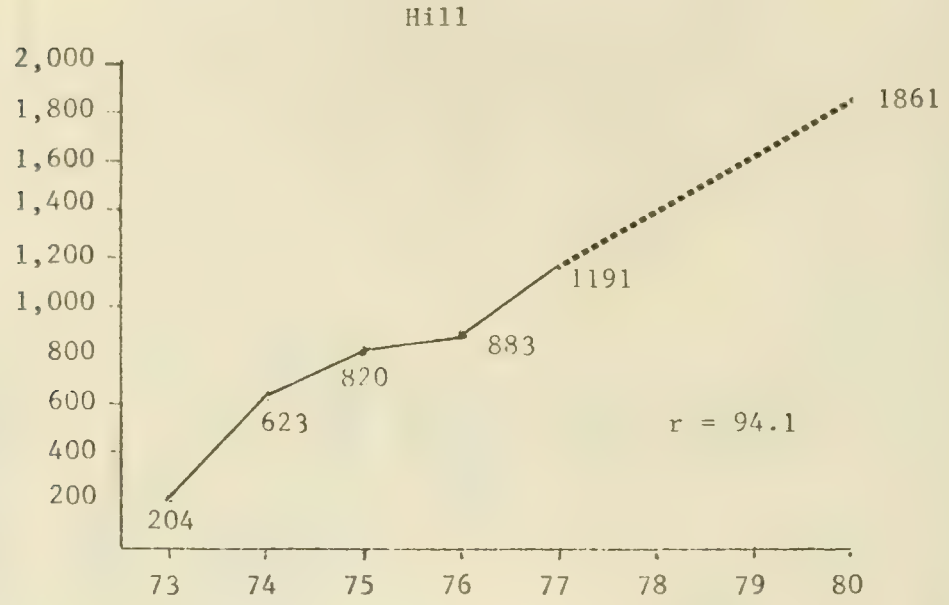
Illustration G-2
Montana High Crime Incidence Areas*

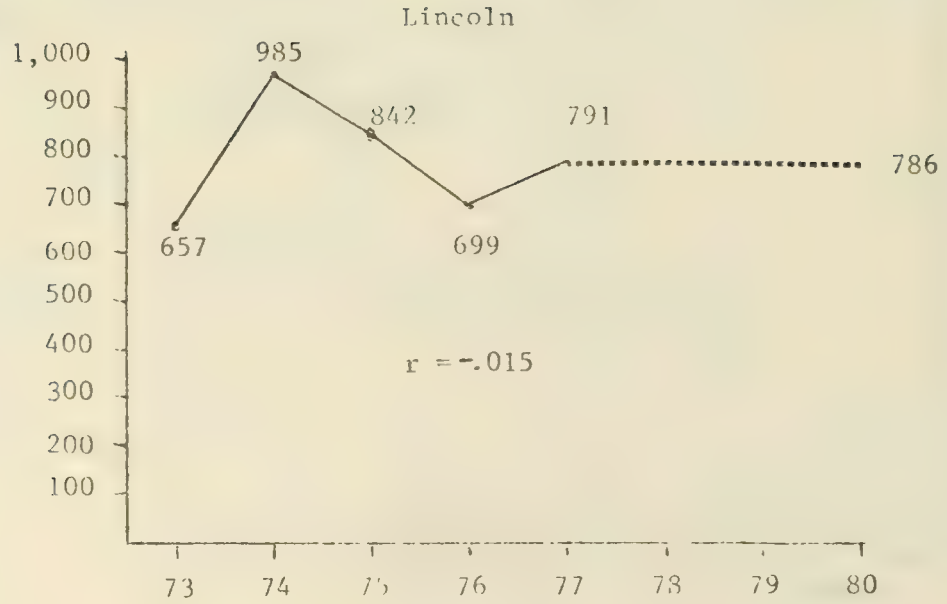


*Based on crime rate per 100,000 population

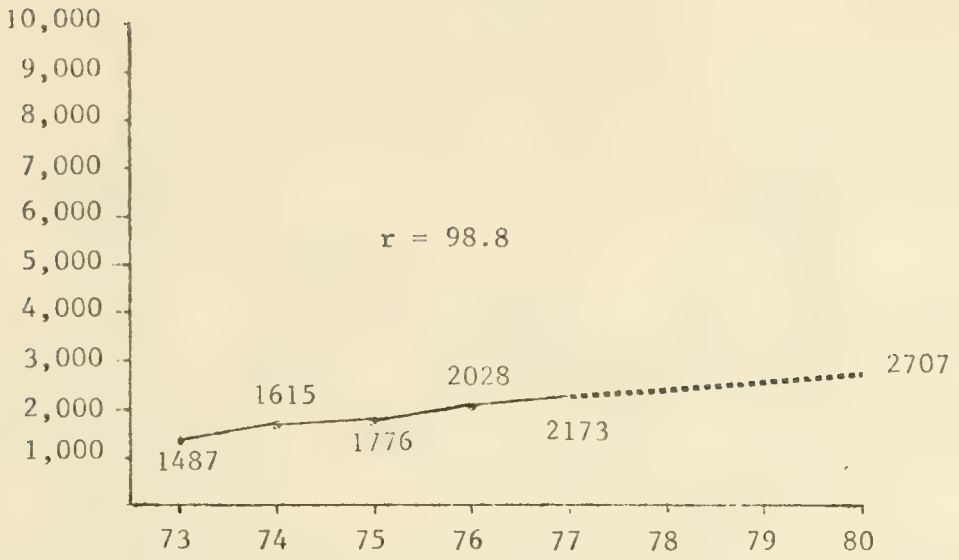
The following illustration shows the actual number of crimes between 1973 and 1977 and a projection (dotted line) of the number of crimes from 1977 to 1980 for each of the 10 high-crime counties (not in order by crime rate).

Illustration G-3

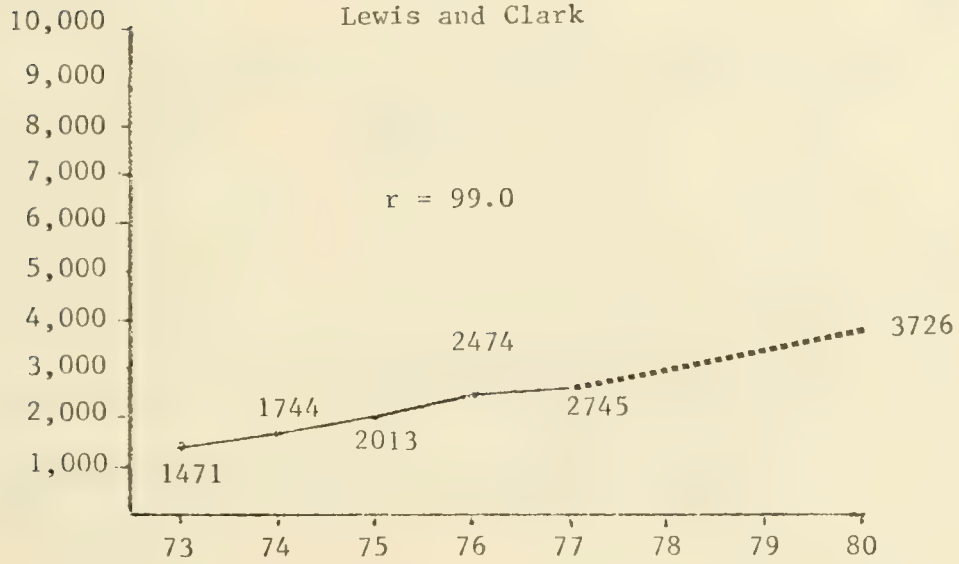




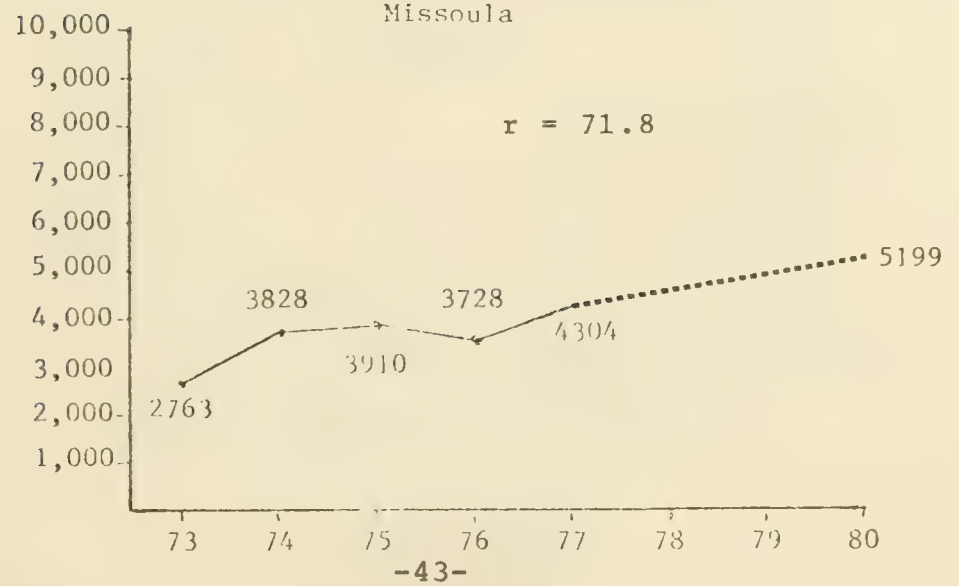
Flathead



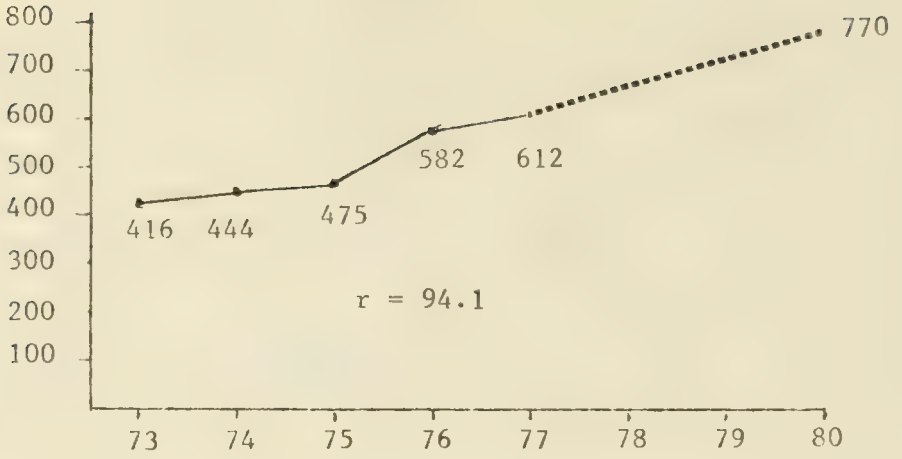
Lewis and Clark



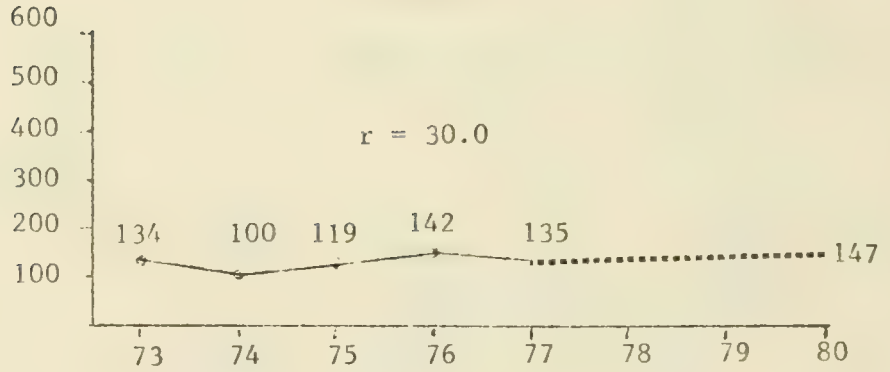
Missoula



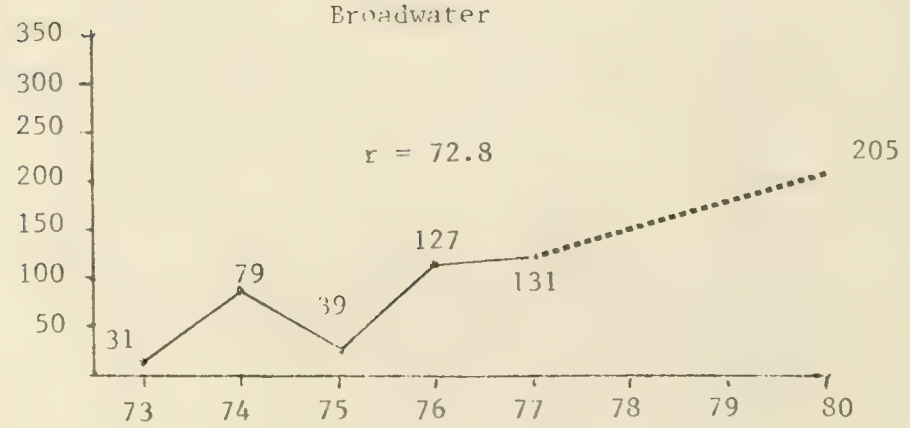
Park



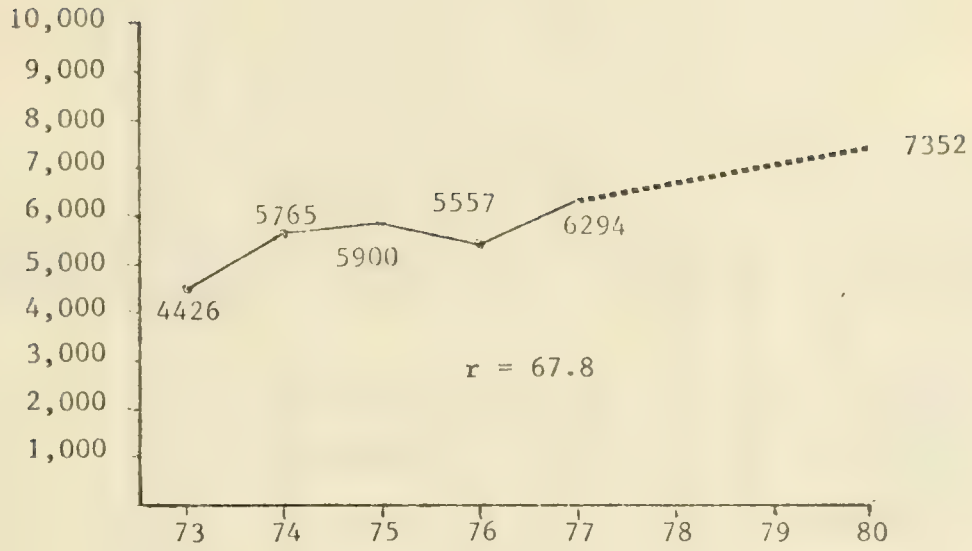
Sweetgrass



Broadwater



Cascade



Yellowstone

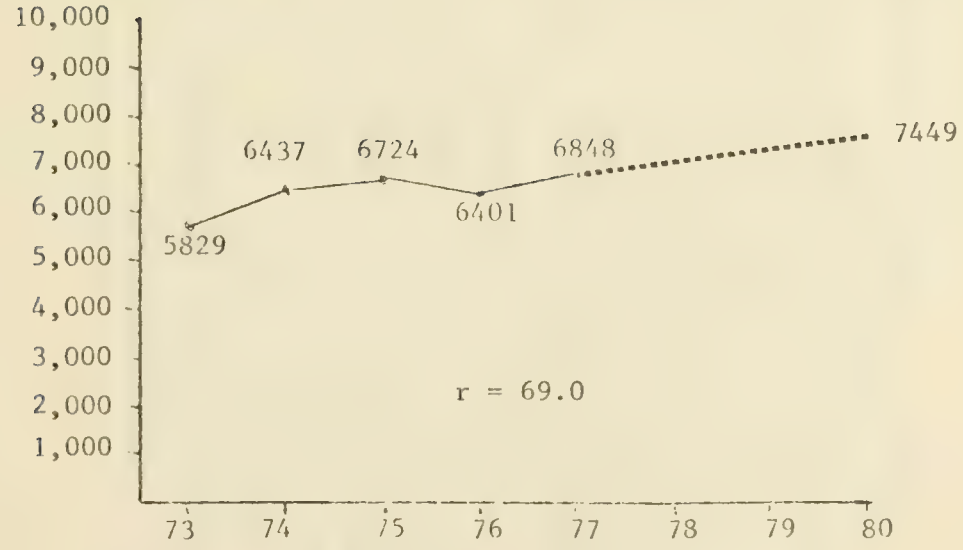


Table G-3

EDUCATION AND TRAINING

Department County/City	Training Officer	Training Program	# present officers that have attended MLEA
Lewis & Clark Helena	Yes No	Yes No	19 20
Yellowstone Billings	Yes Yes	Yes Yes	30 98
Cascade Gt. Falls	Yes Yes	Yes Yes	All 35
Missoula Missoula	Yes Yes	Yes Yes	21 All
Hill Havre	Yes Yes	Yes No	4 15
Sweet Grass	No	No	2
Flathead Kalispell	No Yes	No Yes	20 19
Broadwater	No	No	2
Lincoln Libby	No Yes	Yes Yes	8 6
Park Livingston	Yes No	Yes No	5 8

Table G-4
PERSONNEL

Department County/City	Sworn* Officers	Population	Ratio/1000	Non-sworn Personnel	Juv. Officers	Vehicles	Motorcycles
Lewis & Clark	20	36142	1.36	4	0	10	0
Helena	29			8	1	7	1
Yellowstone	40	95404	1.4	23	2	15	0
Billings	94			26	0	20	6
Cascade	31	82961	1.15	9	0	11	0
Gt. Falls	64			37	3	25	5
Missoula	46	66600	1.43	10	4	13	0
Missoula	49			14	3	10	0
Hill	7	17583	1.37	1	0	3	0
Havre	17			5	0	3	0
Sweet Grass	6	2938	2.0	3	0	4	0
Flathead	28	43390	1.11	6	0	4	0
Kalispell	20			7	1	4	0
Broadwater	5	2743	1.82	4	0	3	0
Lincoln	16	15476	1.55	6	0	9	0
Libby	8			3	0	2	0
Park	7	12500	1.28	2	0	4	0
Livingston	9			4	0	2	0
TOTAL	496	375,737	1.32	172	14	149	12

*Does not include 2 top administrators

Table G-5

ENTRANCE REQUIREMENTS

Department County/City	Minimum Age	Maximum Age	Physical Required	Educational Minimum	Residency Required
Lewis & Clark	20	40	Yes	12 yrs	1 yr
Helena	21	35	Yes	12 yrs	No
Yellowstone	21	35	Yes	12 yrs	6 mo
Billings	21	35	Yes	12 yrs	No
Cascade	21	40	Yes	12 yrs	6 mo
Gt. Falls	20	40	Yes	12 yrs	No
Missoula	21	None	Yes	12 yrs	No
Missoula	20	40	Yes	12 yrs	No
Hill	18	35	Yes	12 yrs	No
Havre	20	40	Yes	12 yrs	No
Sweet Grass	21	40	No	12 yrs	6 mo
Flathead	21	None	No	12 yrs	1 yr
Kalispell	21	35	Yes	12 yrs	6 mo
Broadwater	21	45	Yes	12 yrs	6 mo
Lincoln	20	40	No	12 yrs	1 yr
Libby	21	35	Yes	12 yrs	No
Park	20	40	Yes	12 yrs	1 yr
Livingston	21	40	Yes	12 yrs	6 mo

Table G-6

COMMUNICATIONS

Department County/City	Base	Mobiles	"Walkie-Talkies"	LETS	Hot Line	OCD Network
Lewis & Clark	Yes	10	2	Yes	No	No
Helena	Yes	14	4	Yes	Yes	Yes
Yellowstone	Yes	22	6	Yes	No	Yes
Billings	Yes	35	7	Yes	No	Yes
Cascade	Yes	45	17	Yes	Yes	Yes
Gt. Falls	Yes	24	22	Yes	Yes	No
Missoula	Yes	26	13	Yes	No	No
Missoula	Yes	21	8	Yes	No	Yes
Hill	Yes	3	3	Yes	No	No
Havre	Yes	3	6	Yes	No	Yes
Sweet Grass	Yes	4	2	Yes	No	No
Flathead	2	25	6	Yes	No	Yes
Kalispell	Yes	15	4	Yes	No	No
Broadwater	Yes	4	2	No	No	No
Lincoln	Yes	14	2	Yes	No	No
Libby	Yes	2	3	No	No	No
Park	Yes	5	3	Yes	No	No
Livingston	Yes	5	3	Yes	No	No

Table G-7

CRIMINAL JUSTICE EXPENDITURES, High Crime Incidence Areas
FY 1974 Dollars Per Capita

County	Sheriff	Police*	Cnty. Attorney	Dist. Court	Total**
Lewis & Clark Helena	6	 16.1	1	3	10 20.1
Yellowstone Billings	5	 23.2	2	2	9 32.2
Cascade Gt. Falls	3	 19.6	1	2	6 29.6
Missoula Missoula	8	 24.1	2	2	12 36.1
Hill Havre	4	 16.38	1	2	7 23.38
Sweet Grass	25.33		4.33	6.62	36.28
Flathead Kalispell	7	 29.66	2	4	13 42.66
Broadwater	26.35		3.34	6.61	36.30
Lincoln Libby	8	 35.61	1	3	12 47.61
Park Livingston	7.20	 21.43	1.80	3.87	12.87 34.30

*Expenditures for police were based on FY 1975 data.

**The first total in each column is indicative of per capita expenditures for a county resident not living in the city; the second total indicates the per capita expenditure for criminal justice of a city/county resident.

Profile of High Crime Areas

This and the following pages contain demographic data in table form for the 10 high crime counties, in descending order by crime rate. The data covers population change and type, age and sex distribution, employment status, incomes, and minority population.

LEWIS AND CLARK

Table G-8

Pop. 1960	Pop. 1970	% Change 1960-70	Pop. 1973	% Change 1970-73	Ave. Annual 1960-70	% Change 1970-73
28006	33281	+18.8	34816	+4.61	1.88	+1.53

% Urban Population		% Rural Farm		% Rural Non-Farm	
1960	1970	1960	1970	1960	1970
72.2	68.3	5.4	5.9	22.3	25.8

Age Distribution	0-4		5-19		20-44		45-64		65+	
	No.	%	No.	%	No.	%	No.	%	No.	%
	2777	8.3	10441	31.3	9770	29.3	6995	21.0	3298	9.9

Age & Sex Distribution	%0-4		%5-19		%20-44		%45-64		%65+	
	M	F	M	F	M	F	M	F	M	F
	4.2	4.0	15.5	15.8	14.0	15.3	10.3	10.7	4.2	5.6

Table G- 8a

Employment Status by Sex, Sixteen Years Old and Over, 1970

	Total	------Male------		-----Female------	
Status	Number	Number	% Of Total	Number	% Of Total
Count	22777	10812	47.5%	11965	52.5%
Labor Force	14751	8586	58.2%	6165	41.8%
Civilian Labor Force	14710	8545	58.1%	6165	41.9%
Employed	13989	8108	48.0%	5881	42.0%
Unemployed	721	437	60.6%	284	39.4%
Not in Labor Force	8026	2226	27.7%	5800	72.3%
Enrolled in School	1347	654	48.6%	693	51.4%

Table G-8b

Per Capita & Median Family Incomes

Per Capita Income			Median Family Income		
1949	1959	1969	1949	1959	1969
$1803	2029	3261	3830	6461	10277

Family Income Less Than $3,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
1690	28.7	869	12.3	557	6.8

Family Income More Than $10,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
245	4.1	1244	17.6	4180	51.3

YELLOWSTONE

Table G-9

Pop. 1960	Pop. 1970	% Change 1960-70	Pop. 1973	% Change 1970-73	Ave. Annual 1960-70	% Change 1970-73
79016	87367	+10.6	91978	+5.2	+1.06	+1.7

% Urban Population		% Rural Farm		% Rural Non-Farm	
1960	1970	1960	1970	1960	1970
82.7	86.6	6.0	4.7	11.3	8.6

Age Distribution	0-4		5-19		20-44		45-64		65+	
	No.	%	No.	%	No.	%	No.	%	No.	%
	7060	8.0	28187	32.2	27793	31.8	17255	19.7	7064	8.0

Age & Sex Distribution	%0-4		%5-19		%20-44		%45-64		%65+	
	M	F	M	F	M	F	M	F	M	F
	4.0	4.0	16.0	16.1	15.2	16.2	9.7	10.0	3.4	4.5

Table G-9a

Employment Status by Sex, Sixteen Years Old and Over, 1970

Status	Total Number	Male Number	Male % of Total	Female Number	Female % of Total
Count	59196	28111	47.5%	31085	52.5%
Labor Force	35170	22038	62.7%	13132	37.3%
Civilian Labor Force	34996	21864	62.5%	13132	37.5%
Employed	32966	20747	62.9%	12219	37.1%
Unemployed	2030	1117	55.0%	913	45.0%
Not in Labor Force	24026	6073	25.3%	17953	74.7%
Enrolled in School	4968	2254	45.4%	2714	54.6%

Table G-9b

Per Capita & Median Family Incomes

Per Capita Income			Median Family Income		
1949	1959	1969	1949	1959	1969
$1614	1945	2855	3581	6150	8966

Family Income Less Than $3,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
4845	33.6	2681	13.5	1964	9.0

Family Income More Than $10,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
480	3.3	3118	15.7	9139	42.0

CASCADE

Table G-10

Pop. 1960	Pop. 1970	% Change 1960-70	Pop. 1973	% Change 1970-73	Ave. Annual 1960-70	% Change 1970-73
73418	81804	+11.4	86500	+5.7	+1.1	+1.90

% Urban Population		% Rural Farm		% Rural Non-Farm	
1960	1970	1960	1970	1960	1970
78.5	86.7	4.7	4.1	16.8	8.9

Age Distribution	0-4		5-19		20-44		45-64		65+	
	No.	%	No.	%	No.	%	No.	%	No.	%
	7295	8.9	26035	31.8	27749	33.9	14252	14.7	6473	7.9

Age & Sex Distribution	%0-4		%5-19		%20-44		%45-64		%65+	
	M	F	M	F	M	F	M	F	M	F
	4.5	4.3	16.0	15.8	17.3	16.5	8.6	8.7	3.5	4.1

Table G-10a

Employment Status by Sex, Sixteen Years Old and Over, 1970

Status	Total Number	Male Number	Male % Of Total	Female Number	Female % Of Total
Count	54222	26845	49.5%	27377	50.5%
Labor Force	32804	21796	66.4%	11008	33.6%
Civilian Labor Force	28101	17160	61.1%	10941	38.9%
Employed	26271	16232	61.8%	10039	38.2%
Unemployed	1830	928	50.7%	902	49.3%
Not in Labor Force	21418	5049	23.6%	16369	76.4%
Enrolled in School	3285	1443	43.9%	1842	56.1%

CASCADE

Table G-10b

Per Capita & Median Family Incomes

Per Capita Income			Median Family Income		
1949	1959	1969	1949	1959	1969
$1819	1933	2864	3714	6032	8955

Family Income Less Than $3,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
3940	29.5	2590	14.2	1690	8.3

Family Income More Than $10,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
650	4.8	2553	14.0	8550	42.3

MISSOULA

Table G-11

Pop. 1960	Pop. 1970	% Change 1960-70	Pop. 1973	% Change 1970-73	Ave. Annual 1960-70	% Change 1970-73
44663	58263	+30.5	60856	+4.4	+3.05	+1.47

% Urban Population		% Rural Farm		% Rural Non-Farm	
1960	1970	1960	1970	1960	1970
69.2	74.7	3.5	1.6	27.3	23.7

Age Distribution	0-4		5-19		20-44		45-64		65+	
	No.	%	No.	%	No.	%	No.	%	No.	&
	4851	8.3	18039	31.0	20929	35.9	9934	17.0	4510	7.7

Age & Sex Distribution	%0-4		%5-19		%20-44		%45-64		%65+	
	M	F	M	F	M	F	M	F	M	F
	4.2	4.0	15.5	15.4	18.4	17.5	8.3	8.6	3.4	4.2

Table G-11a

Employment Status by Sex, Sixteen Years Old and Over, 1970

Status	Total Number	------Male------ Number	% Of Total	-----Female------ Number	% Of Total
Count	40575	20228	49.9%	20347	50.1%
Labor Force	23168	14573	62.9%	8595	37.1%
Civilian Labor Force	23104	14513	62.8%	8591	37.2%
Employed	21349	13463	63.1%	7886	36.9%
Unemployed	1755	1050	59.8%	705	40.2%
Not in Labor Force	17407	5655	32.5%	11752	67.5%
Enrolled in School	5599	3312	59.2%	2287	40.8%

MISSOULA

Table G-11b

Per Capita & Median Family Incomes

Per Capita Income			Median Family Income		
1949	1959	1969	1949	1959	1969
$1541	1818	2999	3284	5769	9066

Family Income Less Than $3,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
3610	40.3	1805	16.4	1365	9.5

Family Income More Than $10,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
195	2.1	1376	12.5	6087	42.6

HILL

Table G-12

Pop. 1960	Pop. 1970	% Change 1960-70	Pop. 1973	% Change 1970-73	Ave. Annual 1960-70	% Change 1970-73
18653	17358	-6.9	17857	+2.8	-.69	+.93

% Urban Population		% Rural Farm		% Rural Non-Farm	
1960	1970	1960	1970	1960	1970
57.6	60.8	15.7	11.6	26.7	27.2

Age Distribution	0-4		5-19		20-44		45-64		65+	
	No.	%	No.	%	No.	%	No.	%	No.	%
	1399	8.0	5817	33.5	5204	29.9	3277	18.8	1461	8.4

Age & Sex Distribution	%0-4		%5-19		%20-44		%45-64		%65+	
	M	F	M	F	M	F	M	F	M	F
	4.1	3.8	17.5	16.5	15.5	14.9	9.5	9.3	3.7	4.6

Table G-12a

Employment Status by Sex, Sixteen Years Old and Over, 1970

Status	Number	-------Male---- Number	% Of Total	------Female------- Number	% Of Total
Count	11743	5892	50.2%	5851	49.8%
Labor Force	6730	4341	64.5%	2389	35.5%
Civilian Labor Force	6511	4126	63.4%	2385	36.6%
Employed	6233	4008	64.3%	2225	35.7%
Unemployed	278	118	42.4%	160	57.6%
Not in Labor Force	5013	1551	30.9%	3462	69.1%
Enrolled in School	1303	735	56.4%	568	43.6%

Table G-12b

Per Capita & Median Family Incomes

Per Capita Income			Median Family Income		
1949	1959	1969	1949	1959	1969
$1586	2205	2688	3514	6210	8923

Family Income Less Than $3,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
1160	36.5	652	14.7	396	9.5

Family Income More Than $10,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
165	5.2	815	18.4	1746	42.1

SWEET GRASS

Table G-14

Pop. 1960	Pop. 1970	% Change 1960-70	Pop. 1974 (est.)	% Change 1970-74	Av. Annual 1960-70	% Change 1970-74
3290	2980	-9.4	3100	+4.0	-31	4.0

% Urban Population		% Rural Farm		% Rural Non-Farm	
1960	1970	1960	1970	1960	1970
0	0	41.9	33.8	58.1	66.2

	Under 5		5-17		18-64		65+	
Age Distribution (1970)	No.	%	No.	%	No.	%	No.	%
	209	7.0	714	24.0	1563	52.4	494	16.6

Age & Sex Distribution (1970)	% Under 5		% 5-17		% 18-64		% 65+	
	M	F	M	F	M	F	M	F
	9.5	11.3	22.8	25.3	51.7	49.2	16.0	14.2

Table G-14a

Employment Status by Sex, Sixteen Years Old and Over, 1970

Status	Total Number	Male Number	Male % Of Total	Female Number	Female % Of Total
Count	2193	1130	51.5	1063	48.5
Labor Force	1276	848	66.5	428	33.5
Civilian Labor Force	1276	848	66.5	428	33.5
Employed	1249	837	67.0	412	33.0
Unemployed	27	11	40.7	16	59.3
Not in Labor Force	917	282	30.8	635	69.2
Enrolled in School	132	46	34.8	86	65.2

SWEET GRASS

Table G-14b

Per Capita & Median Family Income

Per Capita Income			Median Family Income		
1949	1959	1969	1949	1959	1969
1547	1458	2609	2736	4333	6530

Family Income Less Than $3,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
490	53.2	238	28.6	145	18.2

Family Income More Than $10,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
55	5.9	76	9.1	194	24.4

FLATHEAD

Table G-13

Pop. 1960	Pop. 1970	% Change 1960-70	Pop. 1973	% Change 1970-73	Ave. Annual 1960-70	% Change 1970-73
32965	39460	+19.7	41400	+4.6	+1.97	+1.53

% Urban Population		% Rural Farm		% Rural Non-Farm	
1960	1970	1960	1970	1960	1970
39.8	41.9	11.1	9.5	49.1	48.6

Age Distribution	0-4		5-19		20-44		45-64		65+	
	No.	%	No.	%	No.	%	No.	%	No.	%
	3324	8.4	12905	32.7	11132	28.2	7975	20.2	4124	10.4

Age & Sex Distribution	%0-4		%5-19		%20-44		%45-64		%65+	
	M	F	M	F	M	F	M	F	M	F
	4.2	4.1	16.5	16.1	13.6	14.5	10.1	10.0	5.0	5.4

Table G-13a

Employment Status by Sex, Sixteen Years Old and Over, 1970

Status	Number	------Male------ Number	% Of Total	-------Female------ Number	% Of Total
Count	26153	12813	49.0%	13340	51.0%
Labor Force	13725	9299	67.8%	4426	32.2%
Civilian Labor Force	13613	9187	67.5%	4426	32.5%
Employed	12278	8272	67.4%	4006	32.6%
Unemployed	1335	915	68.5%	420	31.5%
Not in Labor Force	12428	3514	28.3%	8914	71.7%
Enrolled in School	1897	962	50.7%	935	49.3%

Table G-13b

Per Capita & Median Family Incomes

Per Capita Income			Median Family Income		
1949	1959	1969	1949	1959	1969
1476	1663	2558	3133	5392	8567

Family Income Less Than $3,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
3595	44.4	1716	20.0	1096	10.9

Family Income More Than $10,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
110	1.3	807	9.4	3647	36.3

BROADWATER

Table G-16

Pop. 1960	Pop. 1970	% Change 1960-70	Pop. 1974 (est.)	% Change 1970-74	Av. Annual 1960-70	% Change 1970-74
2804	2526	-9.9	2700	+6.9	-9.9	.69

% Urban Population		% Rural Farm		% Rural Non-Farm	
1960	1970	1960	1970	1960	1970
51.3	55.6	24.6	16.7	24.1	25.7

Age Distribution (1970)	Under 5		5-17		18-64		65+	
	No.	%	No.	%	No.	%	No.	%
	181	7.2	751	29.7	1274	50.4	320	12.7

Age & Sex Distribution (1970)	% Under 5		% 5-17		% 18-64		% 65+	
	M	F	M	F	M	F	M	F
	6.3	8.1	29.3	30.1	50.9	49.9	13.5	11.9

Table G-16a

Employment Status by Sex, Sixteen Years Old and Over, 1970

Status	Total	------Male------		------Female------	
	Number	Number	% Of Total	Number	% Of Total
Count	1703	873	51.3	830	48.7
Labor Force	920	623	67.7	297	32.3
Civilian Labor Force	920	623	67.7	297	32.3
Employed	887	608	68.5	279	31.5
Unemployed	33	15	45.5	18	54.5
Not in Labor Force	783	250	31.9	533	68.1
Enrolled in School	98	58	59.2	40	40.8

BROADWATER

Per Capita & Median Family Income

Table G-16b

Per Capita Income			Median Family Income		
1949	1959	1969	1949	1959	1969
2039	1375	2295	2917	3998	7038

Family Income Less Than $3,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
345	51.1	225	32.7	138	21.2

Family Income More Than $10,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
35	5.1	47	6.8	182	28.2

LINCOLN

Table G-17

Pop. 1960	Pop. 1970	% Change 1960-70	Pop. 1973	% Change 1970-73	Ave. Annual 1960-70	% Change 1970-73
12537	18063	+44.1	17957	-.5	+4.41	-.17

% Urban Population		% Rural Farm		% Rural Non-Farm	
1960	1970	1960	1970	1960	1970
22.6	18.2	6.6	5.5	70.8	76.1

Age Distribution	0-4		5-19		20-44		45-64		65+	
	No.	%	No.	%	No.	%	No.	%	No.	%
	1750	9.7	6151	34.7	5779	31.9	3395	18.7	988	5.5

Age & Sex Distribution	%0-4		%5-19		%20-44		%45-64		%65+	
	M	F	M	F	M	F	M	F	M	F
	5.0	4.6	17.3	16.7	16.2	15.7	10.1	8.6	2.8	2.6

Table G-17a

Employment Status by Sex, Sixteen Years Old and Over, 1970

Status	Number	-----Male------ Number	% Of Total	------Female------ Number	% Of Total
Count	11639	6015	51.7%	5624	48.3%
Labor Force	6706	5004	74.6%	1702	25.4%
Civilian Labor Force	6697	4995	74.6%	1702	25.4%
Employed	6007	4492	74.8%	1515	25.2%
Unemployed	690	503	72.9%	187	27.1%
Not in Labor Force	4933	1011	20.5%	3922	79.5%
Enrolled in School	689	330	47.9%	359	52.1%

Table G-17b

Per Capita & Median Family Incomes

Per Capita Income			Median Family Income		
1949	1959	1969	1949	1959	1969
$1008	1568	2899	$3118	5483	9711

Family Income Less Than $3,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
915	43.5	526	16.8	274	5.9

Family Income More Than $10,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
15	.7	260	8.3	2173	47.2

Table G-15

Pop. 1960	Pop. 1970	% Change 1960-70	Pop. 1974 (est.)	% Change 1970-74	Av. Annual 1960-70	% Change 1970-74
13168	11197	-15.0	11900	+6.3%	-197	.63%

% Urban Population		% Rural Farm		% Rural Non-Farm	
1960	1970	1960	1970	1960	1970
62.5	61.5	13.2	11.4	24.3	25.9

Age Distribution (1970)	Under 5		5-17		18-64		65+	
	No.	%	No.	%	No.	%	No.	%
	735	6.6	2854	25.5	5955	53.2	1653	14.8

Age & Sex Distribution (1970)	% Under 5		% 5-17		% 18-64		% 65+	
	M	F	M	F	M	F	M	F
	6.9	6.3	25.7	25.3	53.2	53.1	14.2	15.3

Table G-15a

Employment Status by Sex, Sixteen Years Old and Over, 1970

Status	Total	------Male------		------Female------	
	Number	Number	% Of Total	Number	% Of Total
Count	8043	3946	49.1	4097	50.9
Labor Force	4488	2847	63.4	1641	36.6
Civilian Labor Force	4488	2847	63.4	1641	36.6
Employed	4235	2688	63.5	1547	36.5
Unemployed	253	159	62.8	94	37.2
Not in Labor Force	3555	1099	30.9	2456	69.1
Enrolled in School	383	227	59.3	156	40.7

PARK

Table G-15b

Per Capita & Median Family Income

Per Capita Income			Median Family Income		
1949	1959	1969	1949	1959	1969
1593	1667	2615	3273	5253	7659

Family Income Less Than $3,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
1270	40.2	713	20.4	337	11.0

Family Income More Than $10,000 Annually

1949		1959		1969	
No.	%	No.	%	No.	%
65	2.0	265	7.6	917	32.8

In order to provide more insight into the capabilities of law enforcement in a high crime area, one area was selected for a more in-depth review of its manpower situation. Yellowstone County/City of Billings was selected as the area having the highest crime rate and the coinciding largest population in the state.

Yellowstone County Sheriff

The Yellowstone County Sheriff's Office serves a population of 28,309 outside Billings and provides supplemental law enforcement to the total county population of 95,913 (estimated). This population is policed by 35 sworn officers including the sheriff and undersheriff. During FY 75-76 the sheriff's office expended $769,274.33 for law enforcement purposes. The projected budget for FY 76-77 is $985,323.25. The county jail is staffed by 11 non-sworn personnel and is utilized by both the city and the county. The budget for FY 75-76 is shown in table G-18.

The number of sworn personnel by assignment is as follows:

Administration	4
Jail	0
Patrol	21
Traffic	0
Juvenile	2
Vice & Narcotics	1
Community Relations	0
Detectives	5
I.D. & Records	0
Dispatch	0
Other	2

Employment qualifications promulgated by the Peace Officers Standards and Training Council are used for new hires. The sheriff's office currently has one unfilled position for a sworn officer and are projecting seven new hires in the next year.

A new deputy sheriff receives a starting salary of $949 per month, while the average salary of full-time sworn personnel is $1,100 per month. The sheriff's office employed five new sworn officers and seven civilian employees during the past year.

During the past year five sworn officers left the department, four by resignation and one by dismissal. One officer went to another law enforcement agency and four sought employment outside the criminal justice system.

A profile of a sworn officer in the Yellowstone County Sheriff's Office shows he or she has an average age of 32, has an average length of service as a full-time officer of five years, and has received some education beyond high school with an average educational level of 13 years of formal education.

Table G-18

Budget Breakout, FY 1975-76, Yellowstone County Sheriff

Total Salaries	
Sworn Personnel	$513,450.00
Non-Sworn Personnel	$119,871.00
Jail Budget (Less Personnel Above)	$ 59,000.00
Vehicles	$ 9,000.00
Maintenance (Gas & Oil)	$ 40,000.00
Other Expenses	
Management & Operations	$ 35,500.00
Misc. Capital Outlay	$ 6,270.00
Total	$783,091.00

In order to maintain the proficiency of its officers, the department has a training officer and an in-service training program. All new officers are sent to the Montana Law Enforcement Academy for basic training. Three of the sworn officers are in attendance at a college or university.

Billings Police Department

The Billings Police Department provides police service to the city of Billings, with an estimated population within its jurisdiction of 67,604 people. The Police Department has a contingent of 100 sworn officers including the chief and assistant chief.

During FY 75-76 the police department expended $1,708,795.71 in the performance of its police function. The department has an anticipated budget for FY 76-77 of $1,915,746.70. Table G-19 shows a breakout of the FY 75-76 budget (not expenditures).

Table G-19

Budget Breakout, FY 1975-76, Billings Police Department

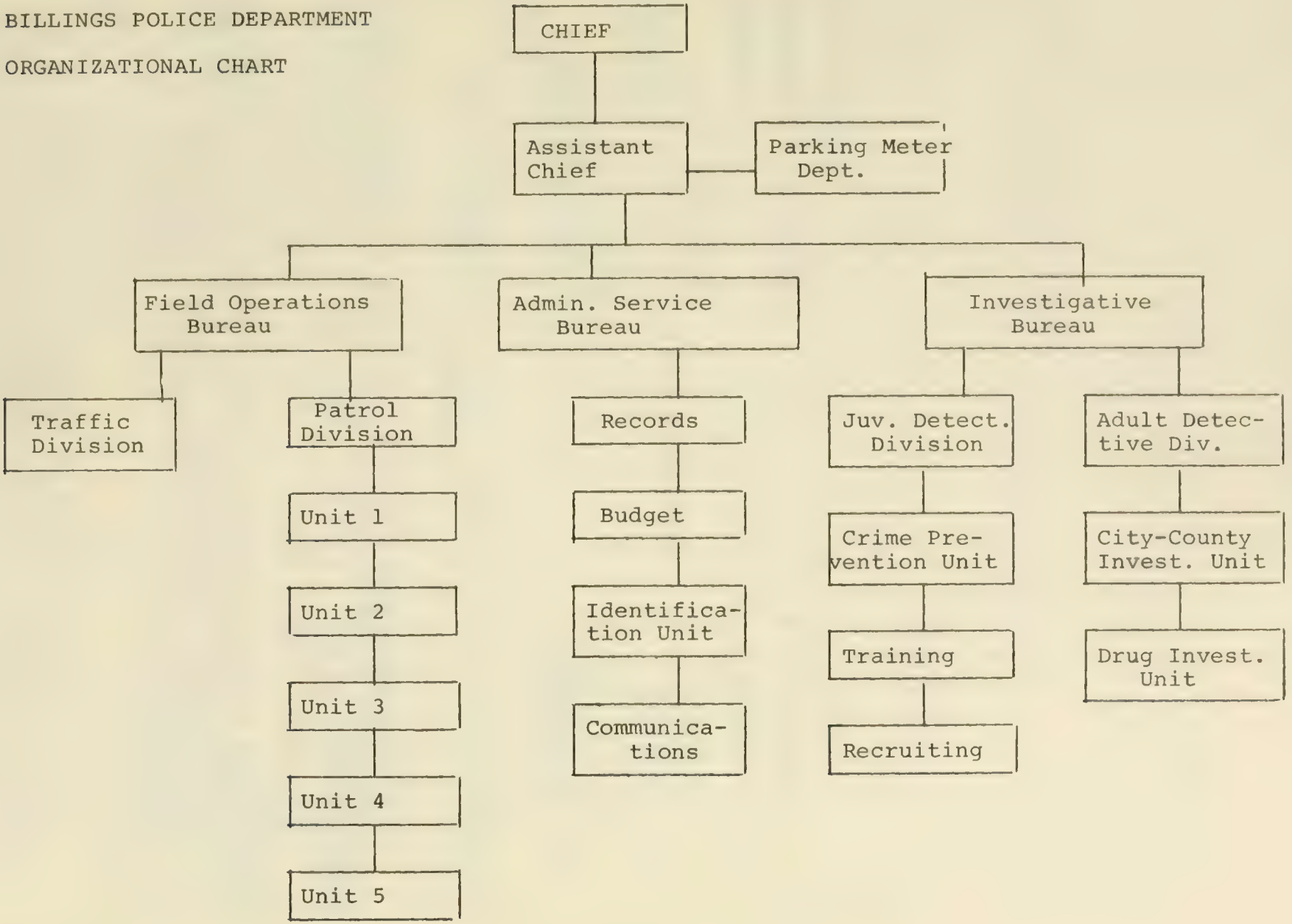
Total Salaries	
Sworn Personnel	$1,280,460.00
Non-Sworn Personnel	$ 158,226.00
Employee Benefits	$ 220,357.00
Training	$ 2,968.00
Pistol Range, Ammunition & Supplies	$ 3,500.00
School and Travel	$ 5,000.00
Uniforms	$ 18,500.00
Management & Operations	$ 74,776.00
Miscellaneous	$ 2,458.00
Total	$1,766,245.00

Illustration G-4 is a representation of the Billings Police Department's organization.

Illustration G-4

BILLINGS POLICE DEPARTMENT

ORGANIZATIONAL CHART



The sworn officers of the Billings Police Department are deployed as follows:

Administration	5
Patrol	62
Traffic	6
Juvenile	7
Vice & Narcotics	0
Community Relations	2
Detectives	10
I.D. & Records	0
Dispatch	0
Other	0

Qualifications as promulgated by the Peace Officers Standards and Training Council are used for new hires. During the past year the police department employed four new sworn officers and three civilian employees. The department anticipates hiring 10 new sworn officers during the next year.

A new officer receives a starting salary of $773 per month while the average salary for sworn officers is $950 per month.

A profile of the sworn officer in the Billings Police Department shows he is an average age of 26, has an average length of service as a sworn officer of eight years, and has received some formal education beyond high school with an average educational level of 13 years.

The Billings Police Department has a training officer and an in-service training program. All of the sworn officers have received 40 or more hours of in-service training during the past year and all have completed their basic training at the Montana Law Enforcement Academy. Eleven of the officers are attending a college or university.

During the past year, two sworn officers resigned their positions, five retired, two were disabled, and one was dismissed. The two officers who resigned sought employment outside the criminal justice system.

The Billings Police Department is in the process of developing a computerized information system which will be used by both the police department and sheriff's office. The system may eventually be available to other police agencies in the region.

Table G-20

Minority Population:*

U.S. Census Count of Montana Population, By Race and County - 1970

	All Races	Indian		Other Minority	
County	No.	No.	Pct.	No.	Pct.
Lewis & Clark	33281	486	1.5	169	0.5
Yellowstone	87367	1063	1.2	539	0.6
Cascade	81804	1509	1.8	1517	1.8
Missoula	58263	660	1.1	282	0.5
Hill	17358	1607	9.3	154	0.9
Sweet Grass	2980	2	.06	0	-
Flathead	39460	327	0.8	147	0.4
Broadwater	2526	22	0.9	1	0.03
Lincoln	18063	209	1.2	39	0.2
Park	11197	32	0.3	27	0.2
TOTAL	352,299	5917	1.7	2874	.8

NOTE: Other minority includes Negro, Japanese, Chinese, Filipino, and other races, but does not include Spanish-surnamed or Spanish speaking American

*Source: Profile of the Montana Native American, August, 1974 for the Office of the Governor

The high crime areas, with the exceptions of Hill, Park, Broadwater, and Sweet Grass counties, experienced population growth in the decade from 1965-1975. During that time population growth was quite rapid in Flathead, Lincoln, Lewis & Clark, Missoula, and Yellowstone counties.

In all the high crime areas (1970 data) except for Sweet Grass, the majority of the populations live in the urban areas.

An examination of 1970 data for age distribution does not reflect any definitive grouping, but in the 5-17 age group there are 99,045 individuals or 28.1% of the 10-county population. A more-over age span for groups may show some greater indication of a high population age group.

An overview of the 1970 labor force for the 10 counties shows 134,416 individuals being classified in the civilian labor force 16 years old and over with 9,806 (7.3%) unemployed.

Montana does not have any minority group that constitutes any large percentage of the general population. In the ten high crime areas Indians constitute the largest group with only 1.7% of the total population.

Crime Attack Teams

The Missoula City/County Crime Attack Team (CAT) is beginning its action phase. To arrive at its present point, much preliminary research was done. A consumer survey provided data on reported and unreported crimes; the CAT unit's people personally interviewed a representative sample of the public, the criminal justice system, and the business community. A working document was produced by means of geocoding criminal and other activity in each neighborhood for each month. An assessment was made of each agency's function and what steps it follows, resulting in an evaluation of present resources and indication as to where to place additional resources.

As the implementation of the crime attack strategy progresses, crime reports will continue to be fed into the information system in order to feed strategies back into the regular prevention network. Displacement of criminal activity into adjacent areas will be carefully monitored.

The Missoula CAT unit was the first to be established. Similar activity is underway in Billings/Yellowstone County and in Great Falls/Cascade County.

It is too early in the CAT strategy to claim success with certainty, but it is interesting to note that the crime trend analysis for the 10 high crime areas, (illustration G-3) shows these three areas are indicating a decline in felony crimes while the others, with the exception of Lincoln, are indicating an increase.

PART II - RESOURCES, MANPOWER, ORGANIZATIONAL CAPABILITIES, AND SYSTEMS AVAILABLE TO MEET CRIME PROBLEMS

System Performance Chart

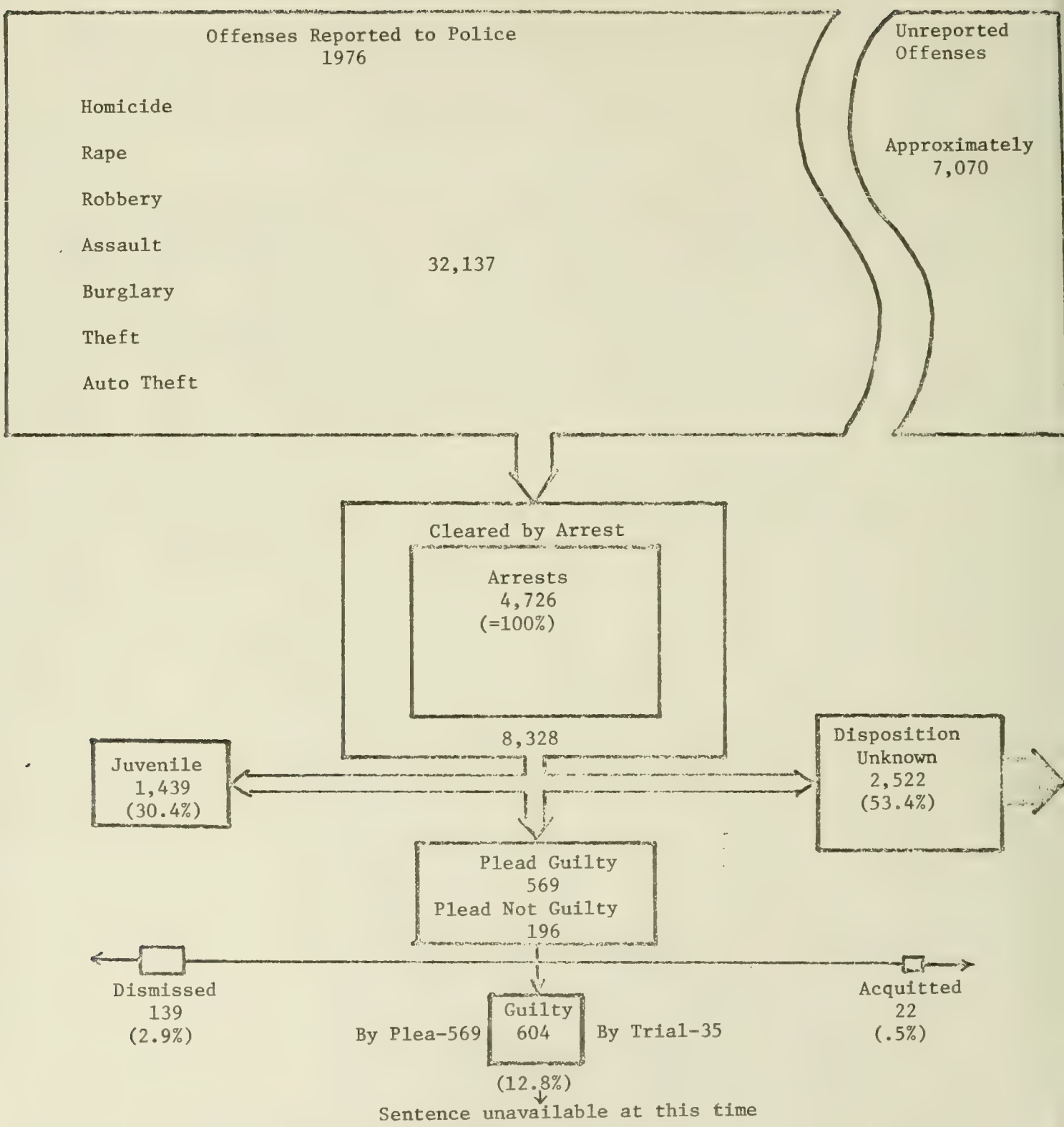
The system performance chart was devised from data available within the SPA. The number of unreported offenses was estimated consistent with the SPA victimization survey.

Due to the time it takes for any one person to pass through the criminal justice system, quantities in the particular sections are only casually related. For instance, while some of those who went to trial in 1976 were also arrested in 1976, some may have been arrested in 1975. When, in the future, several years' data can be compared, it will be known if this factor causes any distortion.

The difference between "Cleared by Arrest" and "Arrests" is due to the commission of multiple offenses by particular offenders. Since the statistics which follow "Arrests" are normally computed on a "per person" basis, arrests were used as the base (100%) for computing all following percentages.

The 2,522 "Disposition Unknown" are cases about which no information is currently available concerning prosecution (or, more properly, non-prosecution) subsequent to arrest.

SYSTEM PERFORMANCE CHART



Law Enforcement Systems

Montana has many state, county, and municipal law enforcement agencies and supportive resources with varied authority, responsibility, and capability to deal with criminal activity.

Table A-1 shows the ratio of law enforcement personnel per 1,000 population. Totals do not include law enforcement agencies with specialized primary functions.

Table A-1
Ratio of Law Enforcement Personnel
per 1,000 Population
1976-77

		Ratio per 1,000 Population
1977 Montana Population Estimate:	753,000	
Sworn Personnel*	1,101	1.47
Non-Sworn Personnel*	364	.48

* totals represent only sheriff and police departments

Table A-2
Law Enforcement Employee Turnover
Sworn Officers-1974

Department	Turnover Rate
Police	18.0
Sheriff	12.6
Tribal Police	30.4
TOTAL	16.1

The area patrolled by this force is 147,138 square miles, which means there is an average density of one sworn officer per 133.6 square miles. Since law enforcement is spread thin, both formal and informal mutual aid relationships have developed.

To better depict the state's existing capability to deal with crime and criminals, each of the state and local law enforcement systems and its available supportive resources is examined in detail.

City Agencies

Police

Currently there are 126 incorporated cities and towns in the state, of which 90 maintain an organized police department headed by a chief of police.

According to the latest census estimates, these 90 cities and towns have a combined population of 389,414, representing 51.7% of the state's total population.

This population is policed by 638 sworn officers at a ratio of 1.64 sworn officers per 1,000 population. These officers have jurisdiction over 247,938 miles of city streets.

In many incorporated cities and towns without an organized police department, a deputy sheriff is assigned to the community to furnish some local law enforcement.

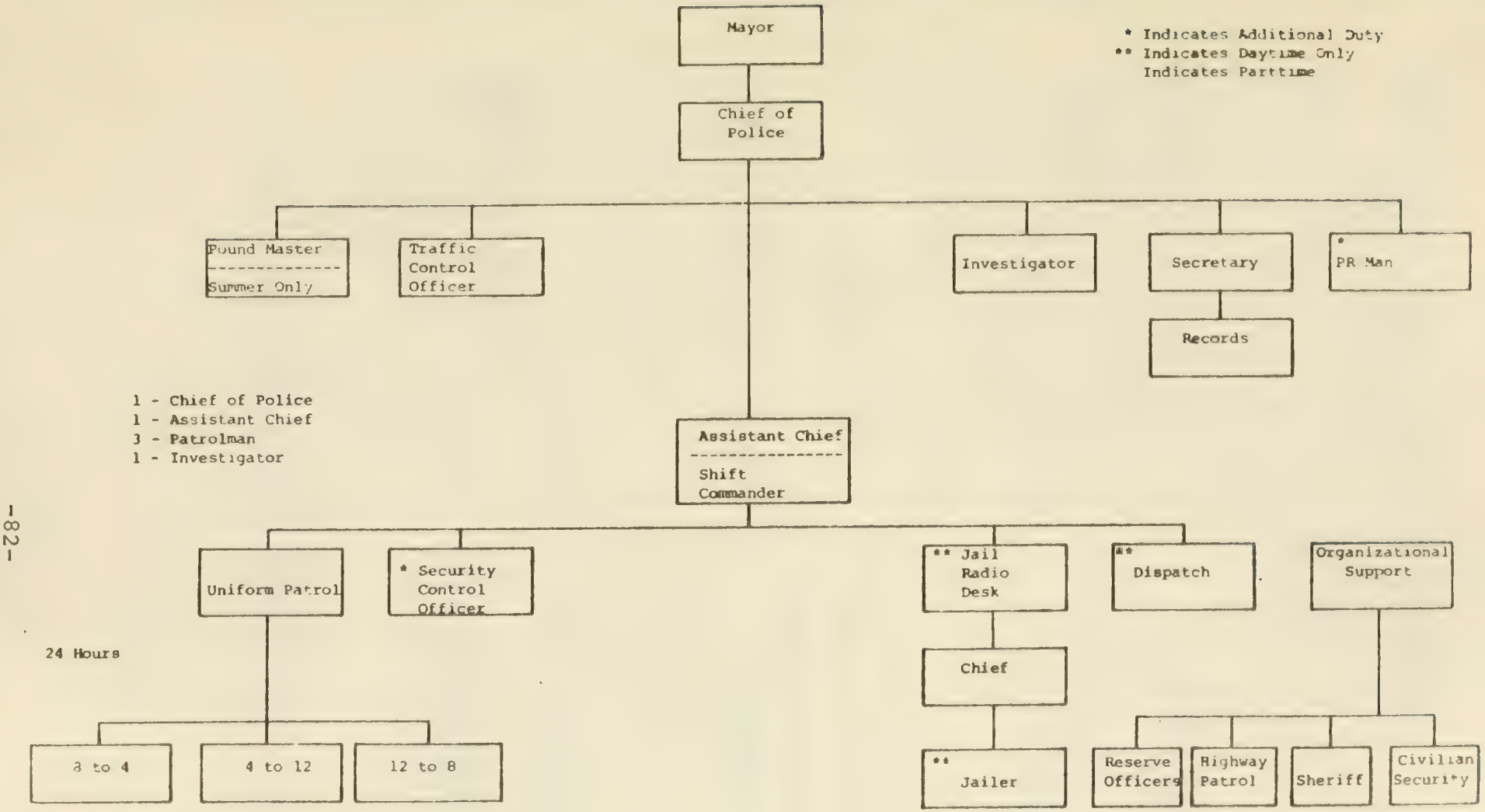
Police departments of first, second, and those third class cities that elect to do so are regulated by the Metropolitan Police Act, a civil service type system that establishes a three-man police commission appointed by the mayor or city manager, who has the authority to appoint officers to the police force and to exercise supervision over the department. In those cities and towns not included under the Metropolitan Police Act, the mayor or city manager has full authority to discharge law enforcement officers with or without cause where the department consists of one or two officers; otherwise, the police commission has the authority.

A police commission has multiple functions, which include:

1) Certifying police applicants;
2) Holding hearings regarding formal charges lodged against police personnel;
3) Examining police officer applicants as to their legal, mental, moral, and physical qualifications;
4) Referring applicants to the mayor or city manager for final approval.

The typical police organization is directed and supervised by a chief of police and ranges in size from one to 100 sworn officers. Illustration A-1 shows the organization of a small department (page 82).

Activities vary in quantity and types of service, but include the following functions: prevention and detection of criminal activity, apprehension of suspected offenders, participation in court proceedings, protection of constitutional guarantees, assistance to those who cannot care for themselves or who are in danger of physical harm, traffic control, conflict resolution, creation and maintenance of a feeling of security in the community, promotion and preservation of civil order.



Organization of Hamilton Police Department

ILLUSTRATION
A-1

(Hamilton population 2,499)

The following examination of a typical small police department (seven sworn officers) illustrates activity and time utilization characteristics for a routine arrest.

Table A-3
Small Department Time Utilization and Duties

Arrest	Booking
a. field investigation	a. prisoner transport to jail
b. contact with subject (traffic stop or field contact)	b. complete booking documents
	c. subject phone calls
	d. contact judge for bonding
c. interviews and interrogation	e. incarceration of subject
d. arrest of subject	
MINIMUM TIME CONSUMED: 30 MINUTES	MINIMUM TIME CONSUMED: 60 MINUTES
Reports	**Court**
a. investigation reports	a. Courts
b. booking forms	b. court standby
c. interviews and statements	c. final disposition
d. citations	
e. record keeping and filing	
MINIMUM TIME CONSUMED: 2 HOURS	MINIMUM TIME CONSUMED: 2 HOURS

The minimum time consumed on a routine arrest is 5½ hours.

Table A-4
Statewide Police Activities Summary
Average Time Spent on Activities

Activity	Percentage of Time
Patrolling, preserving the peace, domestic disturbances	55.75
Traffic and accident investigation	18.51
Criminal investigation	15.00
Administration	9.12
Other	1.62

Statewide, the approximate budget expenditure of the 90 police departments for the year 1976 was $8,425,034, a per capita expenditure for cities and towns of $21.64.

Constables

Although all townships in the state are required by law to have two constables, there are currently 32 constables in Montana. Jurisdiction is limited to the county in which the township is located. Constables attend justice of the peace courts, and execute and serve all processes and notices directed or delivered to them by the justice of the peace. They are given the same law enforcement powers as the sheriffs, and are a secondary source of law enforcement within the county.

In smaller unincorporated towns having neither a sheriff immediately present nor a police department, the constable is often the only law enforcement officer available. In more heavily populated areas which have both police departments and well-staffed sheriffs' offices, the constable's role in law enforcement is minimal.

No information is available concerning constables' resources and facilities.

Town Marshals

The town marshal has almost ceased to exist in the law enforcement structure of this state. Historically, the town marshal was often the only peace officer available in small towns. Today he has been replaced by a chief of police who acts alone or with one or two additional part-time officers.

The few active town marshals work mostly as night-time fire watchers and door shakers. Most are unsworn and unarmed.

The sworn town marshals are sworn as special deputy sheriffs and work as a secondary source for sheriffs' departments. These people work out of their homes and utilize the resources of the sheriffs' departments for jail facilities, communications, records, etc. There are fewer than five sworn town marshals and fewer than 15 non-sworn town marshals presently active. They are paid out of town funds.

County Agencies

Sheriffs

The sheriffs of Montana are the primary law enforcement officers of their respective counties. With the state's sparse and scattered population, the office assumes an importance in the overall law enforcement picture not found in many other areas of the country.

State law provides that each county (56) shall have as one of its elected officers a sheriff who by statute is directed to:

1) Preserve the peace;
2) Arrest all persons who attempt to commit or have committed a public offense and take same before the nearest magistrate for examination;
3) Prevent and suppress all affrays, breaches of the peace, riots, and insurrections which come to his knowledge;
4) Attend all courts, with the exception of justice of the peace and police courts, at their respective terms or sessions, held within the county, and obey their orders and directions;
5) Furnish bailiff for all district courts;
6) Command the aid of as many male inhabitants of the county as he may think necessary in the execution of his duties;
7) Supervise the county jail and the prisoners therein.

The organizational structure of the various sheriffs' departments varies somewhat according to department size, but generally includes, in addition to the sheriff himself, an undersheriff, in some cases a chief deputy, deputy sheriffs, and civilian office personnel. Illustration A-2 shows the organization of a medium-sized department.

Most facilities (administrative, operational, and custodial) range from ancient to simply old. A few new facilities have been built.

Statewide, the sheriffs' departments operate 255 vehicles with which they must patrol 147,138 square miles. The area contains 748,000 citizens. The roads travelled total 78,488 miles, of which 12,448 are improved and 66,040 unimproved.

The statutory duties mentioned above make up the time percentages shown in Table A-5.

Illustration A-2
Ravalli County Sheriff's Office

(A 12-Man Department)

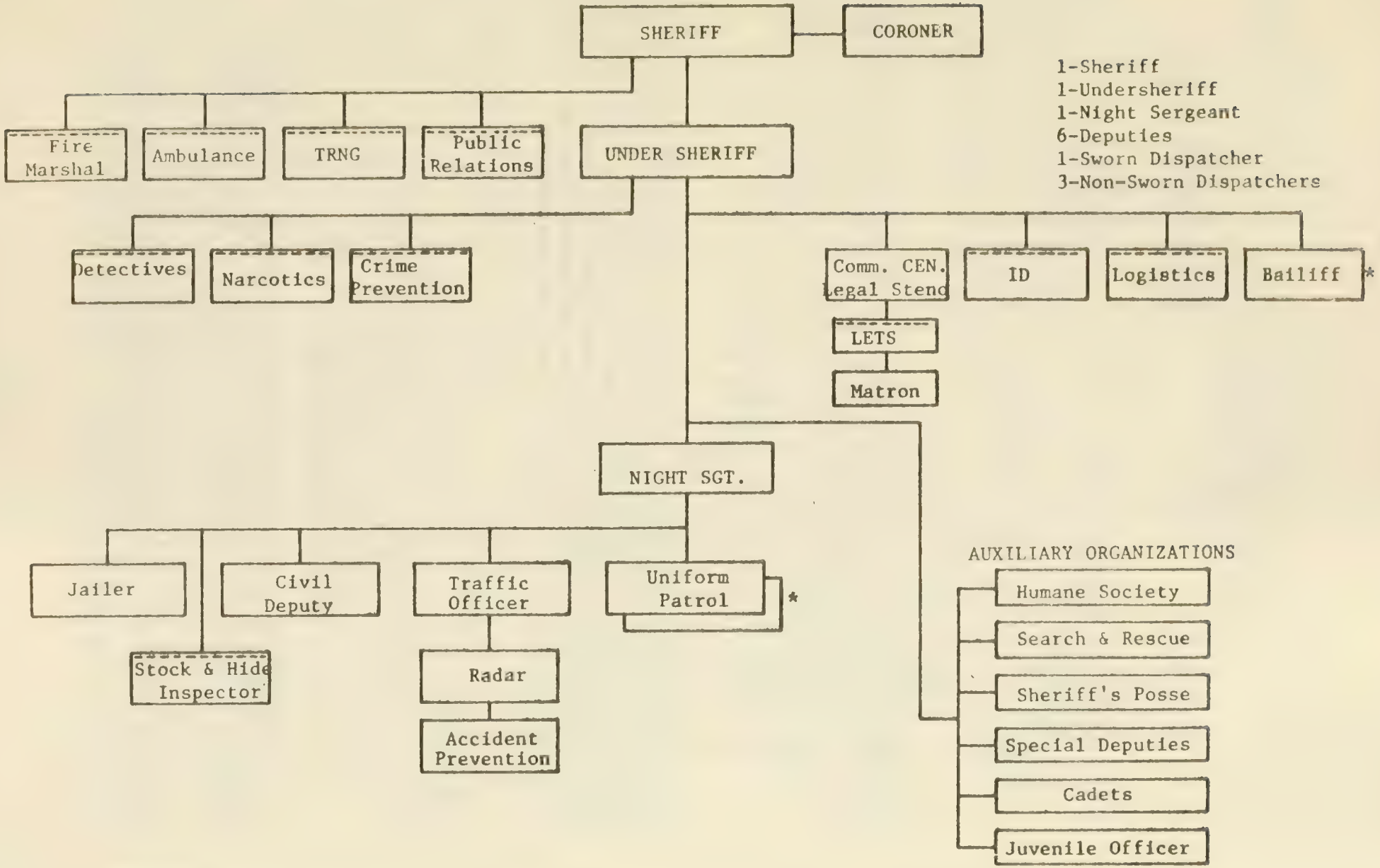


Table A-5
Average Activities Summary
Sheriffs' Departments Statewide

Activity	Percentage of Time
Patrol	34.72
Traffic	10.22
Criminal Investigation	33.48
Administration	14.80
Other	6.78

Additional sheriffs' activities include:

1) Livestock hide and brand inspections, plus slaughter beef stamp certification;
2) Humane officer duties;
3) Rural fire warden duties;
4) Incarceration, care, welfare, hearings, and transporting of the adjudicated insane;
5) Prison furlough and work-release program management and supervision;
6) Search and rescue operations;
7) Fish and game law enforcement;
8) Patrol and protection of public lands;
9) Prisoner extraditions.

The service of process, executions, and other civil papers is another major function of the sheriff's office, requiring many man hours. In some jurisdictions where the civil process duties are large, manpower which should be used in law enforcement activities is diverted to time-consuming civil functions, which causes workload imbalances for the department.

The manpower available to sheriffs' offices to perform these activities in the 56 counties is indicated by the following table.

Table A-6
Sheriffs' Departments Manpower Statewide

Total Sworn Officers	456
Sworn Female Officers	11
Non-sworn Personnel	201

The number of sworn officers in sheriffs' departments ranges from one to 46 and 80% (45) try to provide 24-hour availability of law enforcement with fewer than 10 officers. Forty-eight percent (27) have five officers or fewer.

The sheriffs' offices across the state operate with minimal budgets. The total expenditures for all sheriffs' offices in FY 76 was $6,616,238, or a per capita cost in the state for county law enforcement of $8.79 (1977 population 753,000).

The communications equipment used by all sheriffs' departments includes:

Console base radios	54
Mobile radios	348
Portable radios	143
Teletype terminals	26

On a cooperative basis, sheriffs' personnel work closely with police departments within their county jurisdictions and with various state agencies, such as the Fish and Game Department, the Highway Patrol, the Department of Livestock, the Fire Marshal's Bureau, the Investigation, Communications and Identification Division of the Department of Justice, and federal agencies requesting their aid.

Development and maintenance of professional skills and competence are accomplished through training at the Law Enforcement Academy Bureau in Bozeman. An active in-service training program is available within some of the departments. Out-of-state training schools, particularly in specialty areas such as narcotics, juvenile delinquency, photography, polygraph, etc., are available through federal funding.

Canine Academy

The Montana Sheriff and Peace Officers Association K-9 Academy is located near Great Falls and is operated by the Cascade County Sheriff's Office. At the K-9 Academy a dog and officer are trained in the different stages of obedience, tracking, searching, guard, and apprehension work. This training enables the dog to handle the rigors of the daily work of a law enforcement agency in addition to riot situations, search and rescue, and drug and explosives detection.

Dog teams have been used to search for hidden drugs and alcohol, lost or stolen articles, and evidence at the scene of a crime. The dogs have been used to good advantage in disarming potentially dangerous persons, thereby minimizing the possibility of loss of human life, and in finding lost hunters, children, mentally ill persons who wander away from their homes or from hospitals, and dangerous criminals attempting to avoid arrest after committing a crime or escaping from jail or prison.

The training is open to any qualified law enforcement officer, regardless of his place of residence. The basic course is 14 weeks long and refresher courses are available on a weekly basis. Meals and housing for the handler and kennel space and food for the dog are included in the course cost. The school is non-profit. Training is continuous and qualified applicants may enter any time a space is available.

Cooperative Arrangements

Cooperative Police Services: An Overview

Cooperative police services, or the partial or complete pooling of police services, is growing in popularity in the United States. The ever-increasing costs of police services are placing great pressure on local governments to economize police operations. Paradoxically, the increasing crime rate and growing fear of crime is also resulting in pressure to increase or improve police services. Obviously when two such antithetical forces confront each other, something must give.

Many communities are finding that cooperative policing arrangements are resulting in improved services with greater economy. The advantages of this form of policing are causing cooperative policing to have a growing number of participants.

Cooperative police service is known by many names. Terms such as regional law enforcement, contract law enforcement, consolidation, and many others are frequently used. Although they are sometimes used interchangeably, each refers to a distinct form of cooperative police service arrangement.

A joint powers police system is created when governmental jurisdictions of an equal level (i.e., two or more counties or two or more cities) combine police services and have one police agency serving the jurisdictions involved. Since each jurisdiction retains its individual identify, there can be great conflict among these jurisdictions in vying for services while attempting to reduce their share of the costs. Thus a formula must be developed to ensure that costs are based upon service and that all involved receive an adequate level of service.

A joint powers system may also cause conflict in levels of service. One community may desire a higher level of service than the other. Thus, some method, usually a contract, must exist to ensure that each community can achieve a level of service at least equal to that which they desire.

Under contractual law enforcement, one governmental entity contracts with another for some or all services. Most often, cities contract from counties, but cities can contract from other cities, and counties can contract from cities. City-county arrangements calling for complete services from one agency, however, may be prohibited, or at least inhibited, by local or state laws. Usually, though, some services such as dispatching or jails can be contracted for in the latter cases.

County-city contractual law enforcement is well established and proven. Many sound methods for determining the contract rate and level of service exist.

The type of cooperative law enforcement arrangement selected is highly individual. Each community involved must not only determine if it will implement cooperative police services, but also make the type and extent of cooperative police services. In making that determination, a number of factors must be considered; legal constraints, proficiency of involved agencies, public support, and political considerations.

Montana Laws Governing Cooperative Police Services

Montana has several laws that facilitate the ease with which local government can create various forms of cooperative police services. Three specific forms of cooperative police services permitted under current Montana law should be considered if local governments are interested in cooperative police services:

(1) Special districts - The State should conduct a comprehensive review of statutes and the Constitution to determine if police districts can be created and how the powers should be limited.

(2) Department of Public Safety - Section 16-2726, RCM, provides for the creation of a department of public safety on agreement of the legislative body of a city or town with the county commissioners. First and second class counties are exempted from this option.

(3) Interlocal Agreements - Section 16-4904, RCM, provides for interlocal agreements. Under this section, it appears that any form of contract police service is legally obtainable.

Since the inauguration of the local government study commissions, considerable interest has been generated in the possibilities of combined law enforcement services.

The State of Montana has had a direct role in providing some cooperative police services: The Department of Justice administers the Law Enforcement Academy Bureau in Bozeman where almost all in-service training is conducted for county and municipal agencies. Crime Laboratory services are provided through the Department of Justice. The Law Enforcement Teletype System, Identification Bureau, Criminal Investigation Bureau, and traffic enforcement on the highways are also provided through the Department of Justice.

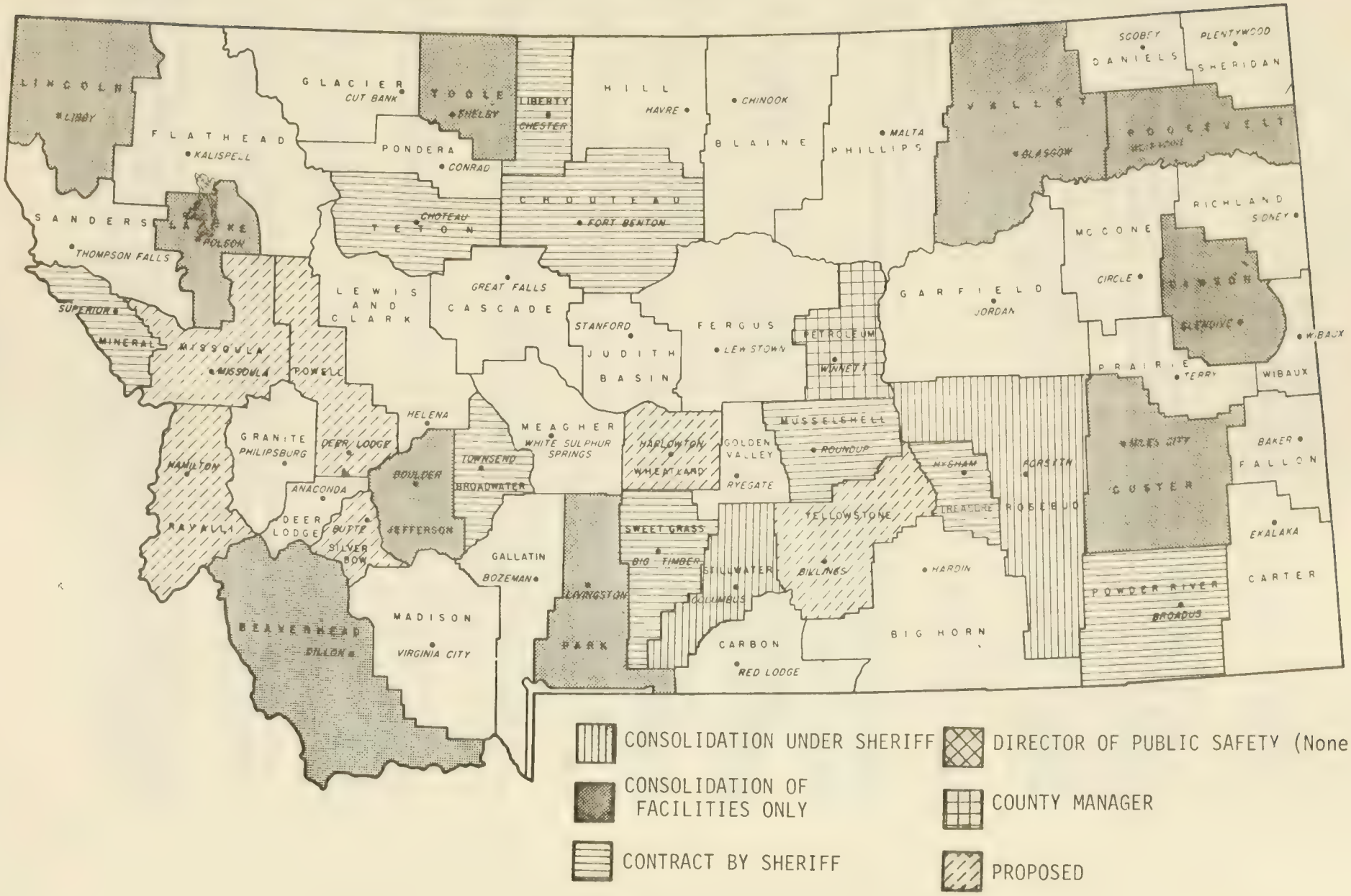
Funding incentives are offered through the Annual Action Programs and technical assistance is provided to those jurisdictions requesting cooperative law enforcement information by SPA personnel and/or LEAA contract consultants.

Park County - Livingston was provided a professional consolidation consultant by LEAA through a contract with Public Administration Service. An on-site survey was conducted and a comprehensive report was developed by the consultant that covered that specific consolidation and a general appraisal of Montana's possibilities and limitations regarding consolidated law enforcement services. That report, along with other literature and materials on the subject, is supplied to those interested jurisdictions considering consolidation.

Illustration A-3 shows the extent of cooperative police services that are currently active in the state.

ILLUSTRATION A-3

LAW ENFORCEMENT CONSOLIDATION EFFORTS
IN MONTANA
1976



Other Agencies

Campus Police

Campus police are designated as peace officers by statute and are permitted to bear firearms. However, their authority is limited to their respective campuses. For institution-related activities, this authority is extended to one mile beyond the campus boundaries. Authority is further extended to include other grounds or property owned, operated, controlled, or administered by the regents or any unit of the state university system.

Activities include routine patrol, traffic and crowd control, preliminary investigation, and various security-oriented activities.

Three of the six units in the state university system maintain security departments or security capabilities.

Montana State University

The campus security force of Montana State University in Bozeman consists of a chief of police, five patrolmen, three sergeants, a secretary, and a traffic maid.

Activities include handling of parking and traffic, family disturbances in married student housing areas, misuse of alcoholic beverages, and some drug abuse offenses.

Students are used as monitors in campus buildings after regular business hours.

Because the campus police department operates only from 8:00 a.m. to 5:00 p.m., the Bozeman Police Department provides security from 5:00 p.m. to 8:00 a.m.

Equipment utilized in the operation includes three patrol vehicles with mobile radios, one base radio station, and six portable radios.

University of Montana

The University maintains an 18-man campus police force including a chief of police, nine patrolmen, two dispatchers, and six centrex operators.

Department functions and activities include parking and traffic control, disturbance calls, etc. Their workload resembles that of an agency in a community of 10,000. Drug abuse cases are steadily decreasing as an investigative activity.

Equipment utilized in the department operations includes two marked patrol cars with mobile radios, one unmarked patrol car, five portable radios, one base station, and one video camera and recorder.

Cooperative and mutual aid arrangements exist among the campus police and the Missoula Police Department, the Missoula County Sheriff's Department, and the Federal Bureau of Investigation.

All campus patrolmen have completed the basic law enforcement course at the Law Enforcement Academy in Bozeman. Several officers have attended advanced and specialized courses at the Academy.

Eastern Montana College

Eastern Montana College, located in Montana's largest urban area, Billings, maintains a security department manned by a chief of security, five patrolmen, and one dispatcher.

Department workloads consist of buildings and grounds security patrols, vandalism investigations, family disturbance calls, alcohol and drug abuse cases, and the constant problem of parking and traffic control.

Equipment utilized includes one radio-equipped patrol vehicle, one Cushman motorcycle, and one base radio station.

Most of the security force has attended the basic and specialized courses at the Law Enforcement Academy and also received in-service training conducted by the chief.

Patrol is operated 24 hours a day in cooperation with the Billings Police Department.

Western Montana College

Located in Dillon, Western Montana College operates a part-time security force of a chief of security, one assistant chief, and two night watchmen.

The chief of security is a retired Montana Highway Patrol officer who has attended numerous training seminars in his professional career.

Primarily, the security force handles crowd control at athletic events and performs night watch duties. Any other questionable activity occurring on campus is handled by the local sheriff department.

Equipment consists of two portable radios.

State Agencies

Department of Justice

The largest state agency dedicated to law enforcement is the Department of Justice, which has 440 full-time and 27 part-time employees. The department provides direct and supportive services statewide to the law enforcement effort.

The Department of Justice, formerly the Department of Law Enforcement and Public Safety, was created by the Executive Reorganization Act of 1971, and received its present name and function through amendments to the Act in 1973.

The department, under the direction of the Attorney General, operates and administers law enforcement functions and support resources as shown in Illustration A-4.

Highway Patrol Bureau

The Highway Patrol is under the administrative control of the Department of Justice and is supervised by a bureau chief appointed by the Attorney General. It employs 220 uniformed officers and 74 full-time civilian employees. General headquarters are in Helena. Its six field divisions are as shown in Illustration A-5. Each division comprises two or more districts, depending on manpower. A seventh division, for driver licensing and examination, is in Helena. District offices are maintained only in areas where supplemental storage area is needed because distance renders central storage impractical.

There are 236 patrol vehicles in various makes and models, all blue in color, plus a Blazer and panel wagon. The Patrol also uses 159 radar sets, of which 85 are moving radars and 64 are stationary.

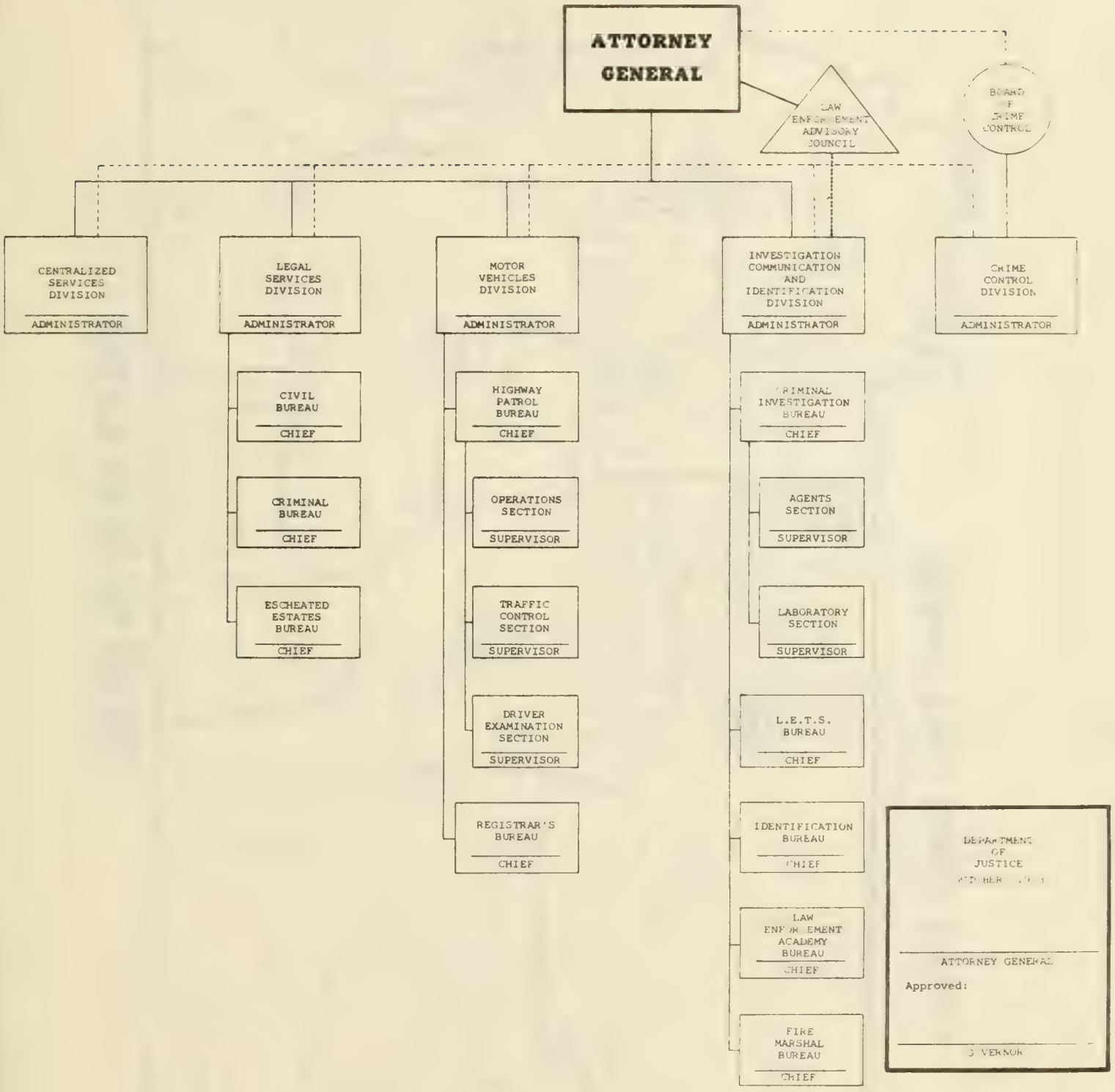
The Patrol has jurisdiction over 42,000 miles of roads. This results in an average patrol distance of 190 miles per patrolman.

Although the Patrol is principally traffic oriented, it has arrest authority for major crimes. (See table A-7) Patrolmen are ex-officio fire wardens, game wardens, and stock inspectors.

Because of the Patrol's mobility and statewide jurisdiction, it assists county and city law enforcement agencies in establishing roadblocks for the apprehension of fugitives and in transporting prisoners arrested at these roadblocks.

ILLUSTRATION A-4

ORGANIZATION OF DEPARTMENT OF JUSTICE



MONTANA

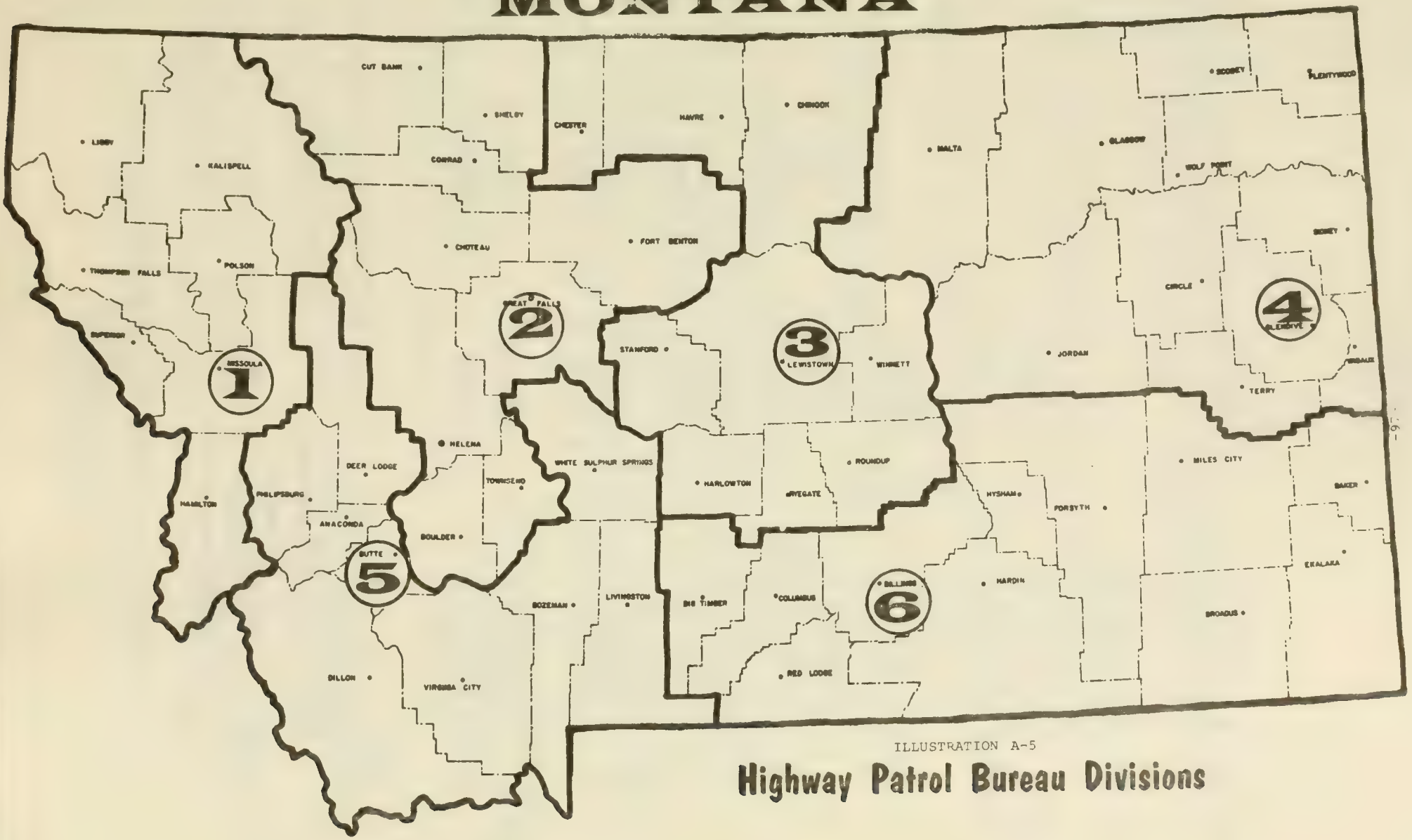


ILLUSTRATION A-5

Highway Patrol Bureau Divisions

The scope of authority of the Patrol is defined in Section 31-110, R.C.M., 1947.

Montana highway patrolmen made arrests for criminal offenses, as shown in the following table, and turned the individuals over to the proper authorities.

Table A-7
Arrests Made by Highway Patrol
1975-1976

1975		1976	
Possession of drugs	27	Possession of drugs	28
Stolen vehicles	57	Stolen vehicles	40
Runaways	13	Runaways	12
AWOL	7	Assault w/deadly weapon	1
Assault w/deadly weapon	5	Fugitive	1
Fugitive	5	Illegal entry to U.S.	3
Illegal entry to U.S.	3	Burglary	2
Burglary	4	Aggravated assault	6
Aggravated assault	5	Breaking/entering	1
Felony-bad checks	4	Armed robbery	1
Armed robbery	2	Parole violation	3
Parole violations	4	Murder	1
Contributing/minor	2	Interstate flight	1
Obstructing a public servant	2	Hit & run/property	1
Abandoned vehicle	1	Illegal poss. of beer	1
Illegal poss. of beer	3	Theft of gasoline	2
Physical control of m.v.	1	Attempted delib. homicide	1
Criminal mischief	3	Mentally disturbed	1
Arson	1	Attempted suicide	2
Escaped prisoner	2	Stolen credit cards	1
Fraudulent use/credit card	1	Grand theft	1
National firearm violation	1	Carrying concealed weapon	1
Theft of liquor	1	Poss. of stolen property	10
Rape	1	AWOL	1
Poss. of stolen property	1		
Destruction/private property	1		
TOTAL	157	TOTAL	122

Montana highway patrolmen answered requests for assistance from other agencies in the following instances. Sheriff's Office is designated by S.O.; police department by P.D.

Table A-8
Assistance Rendered by Highway Patrol
to Other Agencies
1975-1976

1975		1976	
Larceny (S.O.)	6	Fugitive (S.O.)	3
Disorderly conduct (S.O. & P.D.)	5	Poss. of drugs (P.D. & S.O.)	4
Aggravated assault (S.O. & P.D.)	3	Stolen veh. (S.O. & P.D.)	11
Interstate flight (S.O.)	2	Runaways (S.O.)	4
Robbery (S.O.)	3	Kidnap (S.O.)	1
Assist game warden	2	Assault (S.O.)	1
Investigate shooting (P.D.)	1	Issuing bad checks (S.O.)	1
Snowmobile acc. (S.O.)	1	Shooting firearm in city (S.O.)	1
Recover stolen prop. (S.O.)	1	Burglary (S.O.)	2
Assault/deadly weapon (S.O.)	1	Felony (S.O.)	1
Suicide (S.O.)	1	Family disturbance (S.O.)	1
		Illegal poss. of beer (S.O.)	1
TOTAL	26	TOTAL	31

Table A-9
Number of Officers Reporting
Criminal Offenses
1975-1976

1975		1976	
Division I	18	Division I	17
Division II	11	Division II	8
Division III	6	Division III	4
Division IV	13	Division IV	14
Division V	11	Division V	7
Division VI	13	Division VI	18
Division VII	1	Division VII	1
State APU	1	State APU	0
TOTAL	74	TOTAL	69

Other cooperative and direct services provided by the patrol include:

1. assistance to local hospitals by making blood and/or serum emergency runs between hospitals;

2. participation in all major civil defense exercises because of the patrol's expertise in traffic management;

3. presentation of safety and educational programs throughout the state. (These programs consist of defensive driving courses, bicycle and pedestrian programs in the school system, and public appearances before numerous civic organizations in Montana);

4. representation on various standing committees in state government, such as the Data Processing Task Force, the Peace Officers Standards and Training Council, the Board of Crime Control, the Alcohol and Drug Dependence Advisory Council, and numerous traffic safety councils and committees; maintenance of a selective and concentrated enforcement unit, designated as the Accident Prevention Unit. The unit operates primarily in high accident areas.

Uniformed officers of the Driver Licensing and Examination Division conduct all examinations for driver licenses in the state. Photo license records are utilized by investigative agencies to identify fugitives and to locate missing persons.

Driver Licensing

The purposes of this Division are to renew driver licenses, examine new applicants and persons experiencing driving difficulties, maintain a complete record system of each driver's history, and administer the Safety Responsibility Act.

Montana's driver licensing and driver improvement program are intended to reduce driver error, thereby contributing to the overall program of highway safety.

The Division has been responsible for increased programs in driver correction through the Driver Improvement Program.

Table A-10
Patrol Activity Summary
in Percentage Time

	% Time
Patrol Activities	50-60%
Accident Investigation	10-15%
Report Writing	10-15%
Special Assignments	5-10%

The Highway Patrol Recruit Training School is conducted at the Law Enforcement Academy Bureau in Bozeman and provides 600 hours of instruction in an 11-week period. Traffic law enforcement and accident investigation are the primary training subjects.

In-service training for patrol personnel and local law enforcement officers is provided in accident investigation, laws of arrest, rules of evidence, motor vehicle code statutes, gas chromatograph operation, and justice-of-the-peace indoctrination and orientation.

Twenty-four hour communication service is maintained at the patrol general headquarters, with 16-hour capability in the division headquarters. Local sheriffs and/or police departments maintain communications for the patrol divisions in the remaining shift.

The patrol records division maintains files for the Federal Bureau of Investigation on at-large fugitives and provides record information to the F.A.A., D.O.T., Armed Forces, and Federal Courts.

In cooperation with the Department of Livestock, a livestock inspection report was instituted to enable patrol officers to make more complete inspections of transported livestock. This effort is directed at curtailing illegal transport and theft of Montana livestock.

Investigation, Communication and Identification Division

The administrator of the Division of Investigation, Communication and Identification, appointed by the Attorney General, has supervisory authority over the following bureaus:

1. Criminal Investigation
2. Law Enforcement Teletypewriter System
3. Identification
4. Fire Marshal
5. Law Enforcement Academy

The overall functions of the division are to provide efficient and timely communication through automation; to update and keep current fingerprint classifications and filings; to expand and improve the training facilities and programs at the state law enforcement academy; to improve the quality and quantity of crime laboratory services; and to provide increased criminal investigation assistance to local agencies requesting investigative aid.

The bureaus provide the following law enforcement functions and services:

1. Criminal Investigation Bureau

This Bureau is composed of a criminal investigators section and the criminal investigation lab.

The investigation section is staffed with agents located in Helena. Each agent is qualified by experience, training, and high professional competence in criminal investigations. The agents have the power and duty to, upon request, assist city, county, state, and federal law enforcement agencies by providing expert and immediate aid in the investigation and solution of felonies committed in Montana. These agents will assist with various schools held in the state for law enforcement officers when requested.

In this function, the investigative agents have traveled thousands of miles lending their investigative expertise to local law enforcement. Their activities and investigations have carried them into all of Montana's 56 counties and have included investigations into murder, assault, kidnaping, burglary, narcotics, and internal affairs of government.

The crime lab, now in its eighth year, employs four full-time chemists and one secretary. The lab analyzes materials submitted by law enforcement agencies involved in criminal investigations and provides expert court testimony in Montana at no cost to the submitting agency.

The lab presently has the capability to analyze the following: drugs and alcohol in dosage forms or in blood and urine; fire accelerants from leaks or arson cases; adulterated or non-genuine alcoholic beverages; and, gunshot residues in clothing and polymers. It can identify a limited amount of blood and body fluid, also. Samples not presently analyzed in the lab, after screening, can be sent on for rush analysis by other experts.

The laboratory is located in a privately owned building in Missoula. An electronic burglar alarm system was installed and close inspections and inventories are conducted for security.

The lab is equipped with a new high performance gas chromatography-pyrolysis system, four high performance gas chromatographs, a fluorescence spectrophotometer, an infrared spectrophotometer, an ultraviolet-visible spectrophotometer, a stereomicroscope, and the typical glassware, thin layer chromatograph, and distillation apparatus.

The number of samples submitted to the lab is increasing annually as shown by the following:

Samples Submitted to Crime Lab for Analysis

FY 1975	FY 1976	FY 1977
3,144	3,250	3,415

2. Law Enforcement Telecommunications System Bureau (LETS)

This bureau is the control terminal for National LETS and NCIC (National Crime Information Center) for the state of Montana and is presently staffed by a bureau chief, five full-time employees, and four part-time employees.

The facility housing this bureau is a modern, privately owned building in Helena which is leased by the state and shared with some of the other bureaus in the Law Enforcement Services Division of the Department of Justice, and the Data Processing Division of the Central Services Division, Department of Justice.

The original LETS network consisted of 39 terminals connected by 6,196 miles of voice grade teletype lines, a relay type switcher located in Helena and Miles City and connected by two voice grade system circuits, a tie line to the Idaho teletype network, and an interface to National LETS and NCIC in Washington, D.C.

The present automated network consists of an IBM System/7 computer, 59 terminals connected by 3,633 miles of data grade line, 346 miles of voice grade line, an interface to National LETS, NCIC, the automated vehicle registration file, and the automated drivers license file for Montana.

Of the present 59 terminals on the system, 24 are model 33 ASR teletypes, 28 are model 35 ASR teletypes, and seven are IBM 3275 displays with high speed printers. These seven high speed terminals are located at the police department in Great Falls, police and sheriff departments in Billings, the Missoula sheriff's office and Missoula dispatch center, and the LETS Bureau.

The model 33 ASR teletype leases for $65 a month (plus station arrangement, data selective calling service station, drop service, connecting arrangement, and service terminals) and the model 35 ASR leases for $110 a month (plus charges for the items listed with the model 33 ASR). The seven high speed terminals were purchased by appropriations with the exception of the high speed printer in the LETS Bureau, which is leased at $145 a month, and the display at the Missoula sheriff's office, which is leased at $178 a month. The teletype lines are a combination of telephone company data grade and voice grade lines at $1.45 per mile plus 35% and $3 per mile and 25% respectively, and Government Services Administration (GSA) Telpak data grade and voice grade lines at $.27 per mile and $.54 per mile respectively.

LETS conducts an annual statewide training program for the purpose of instructing teletype operators in the proper use of all aspects of the law enforcement teletype system in various regions throughout the state. Training is also given on an individual agency basis when a new department joins the system.

Illustrations showing details of the LETS system follow.

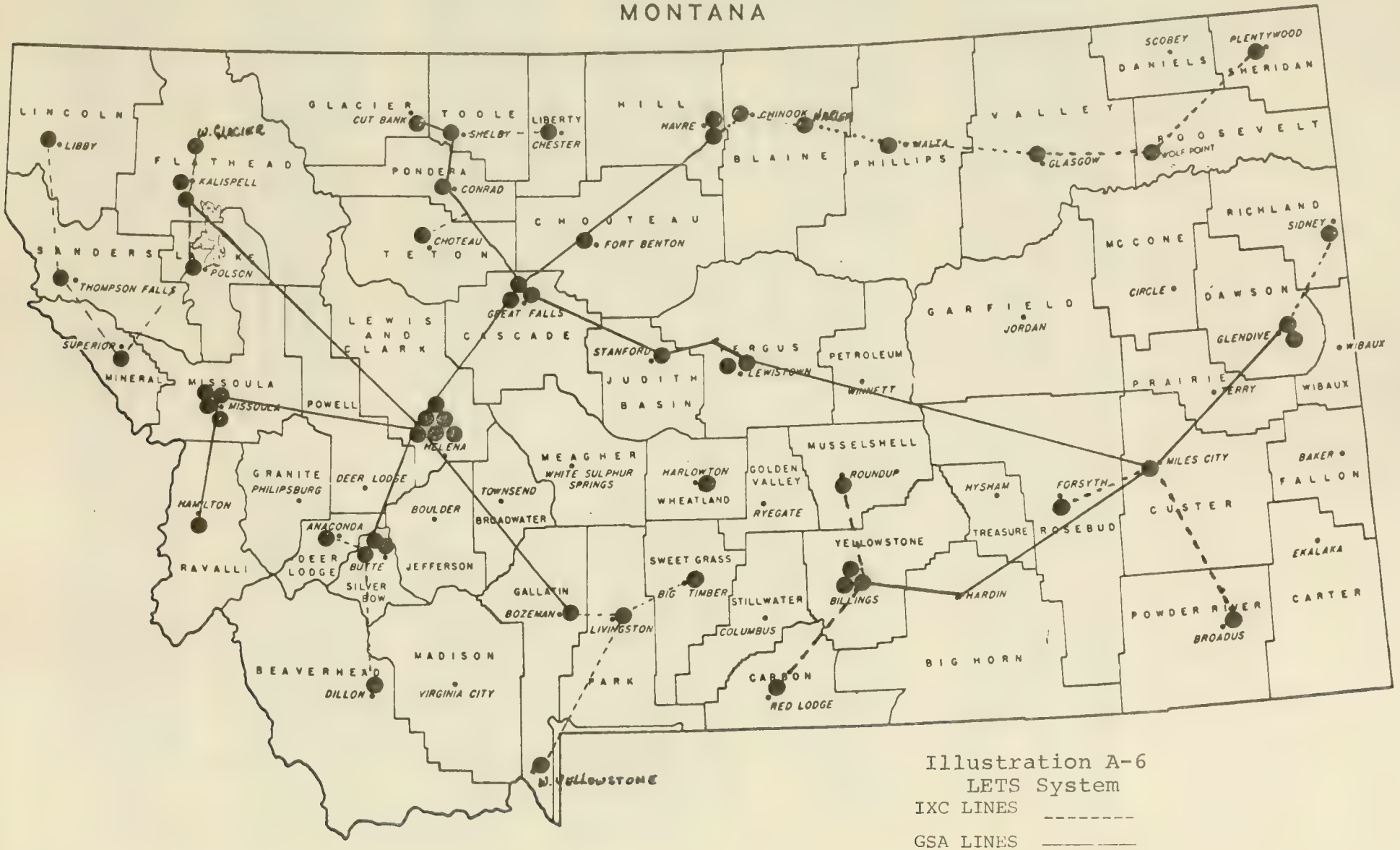
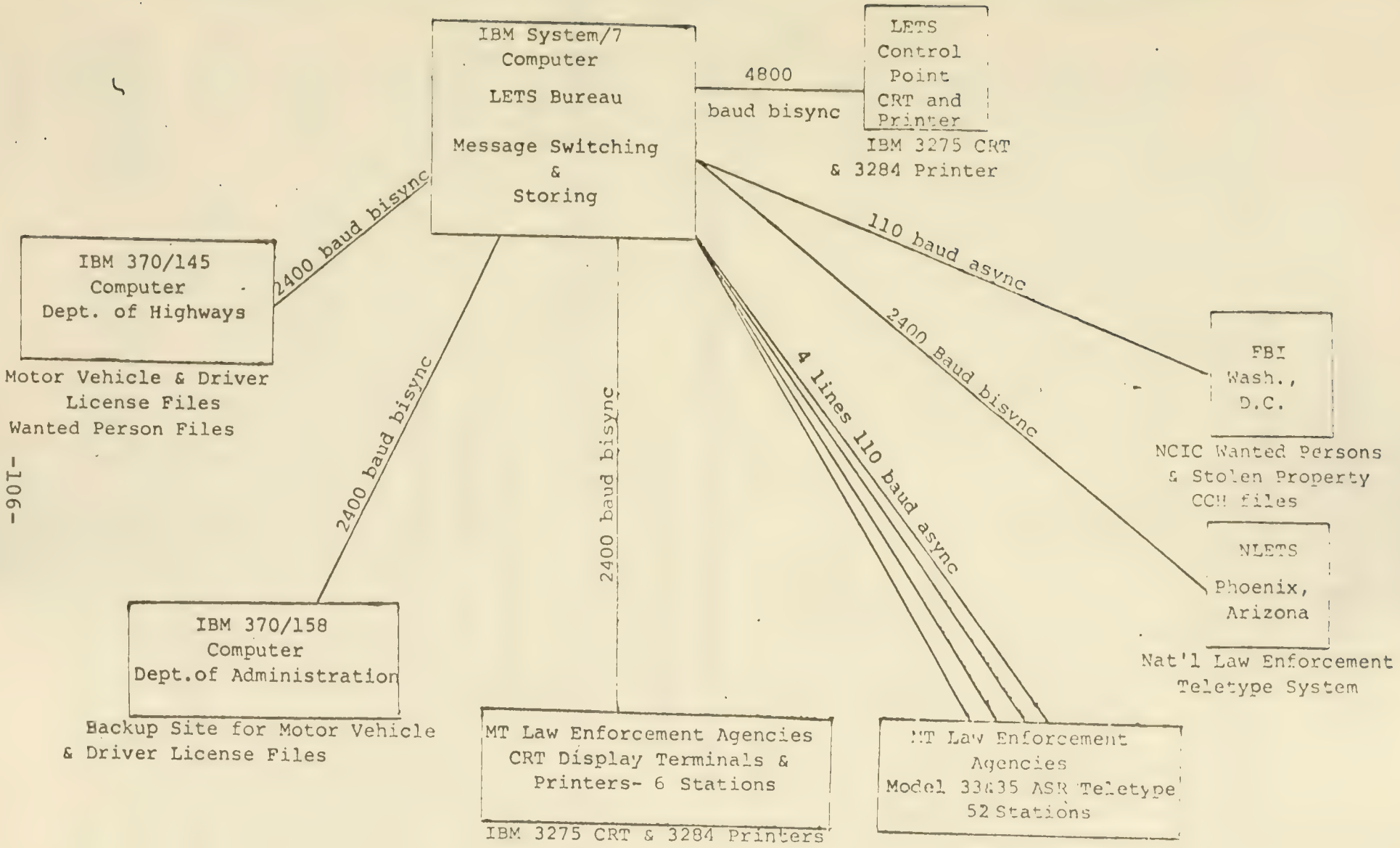


Illustration A-6
LETS System

IXC LINES --------

GSA LINES ———— ——

TERMINAL ●

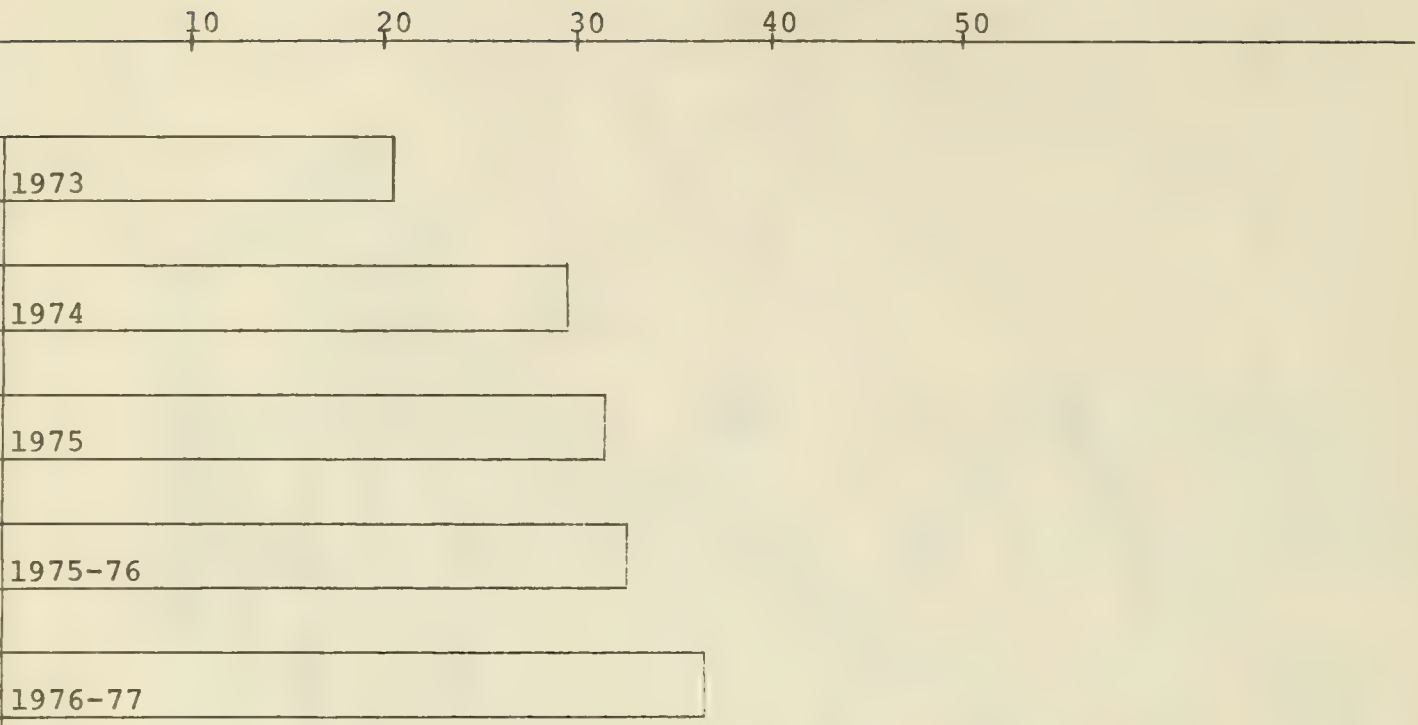


TOTAL 58 Stations

Illustration A-7
LETS System

Illustration A-8
LETS System

AVERAGE NUMBER OF
NCIC HITS PER MONTH



NUMBER OF MESSAGES ON THE AUTOMATED SYSTEM

Thousands of Messages

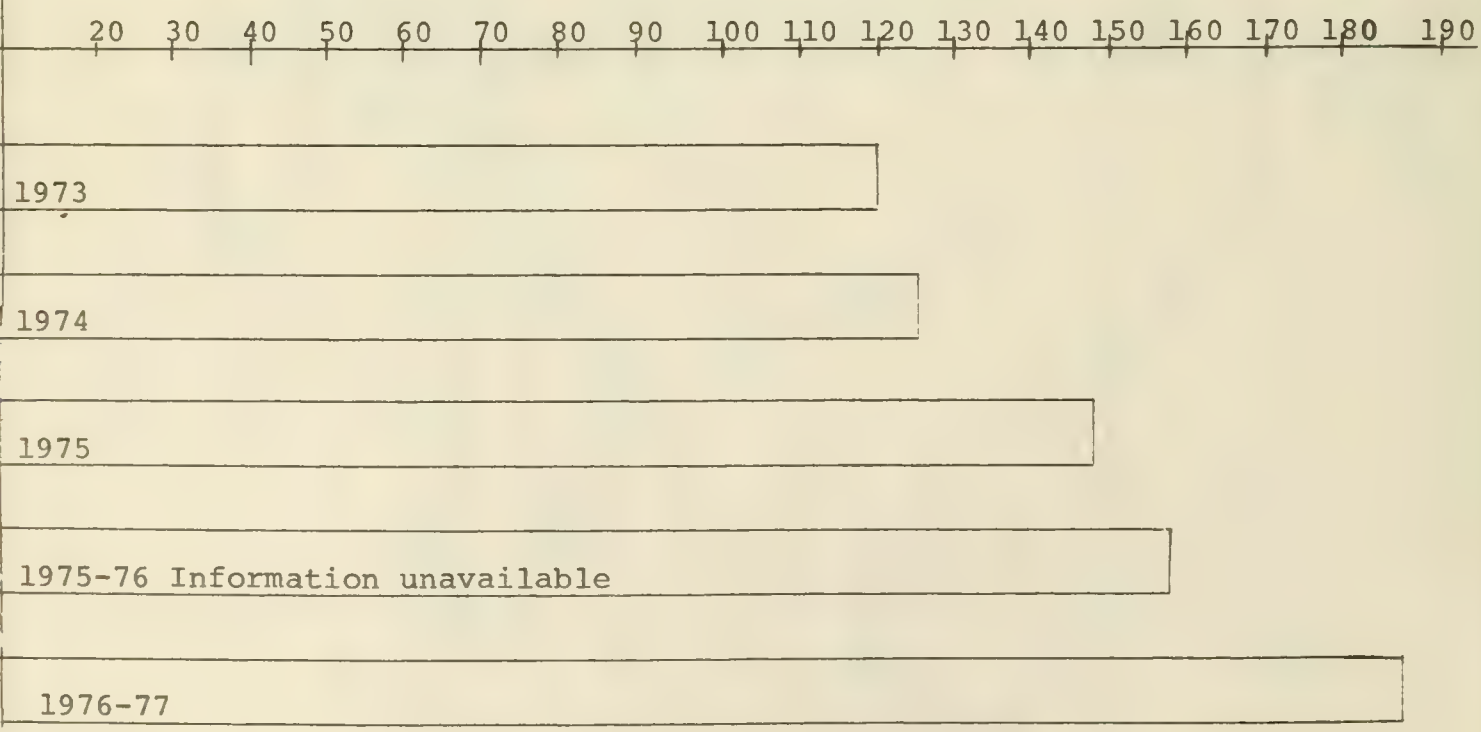


Illustration A-9
LETS System

Average Number of NCIC and NLET
Messages per Month

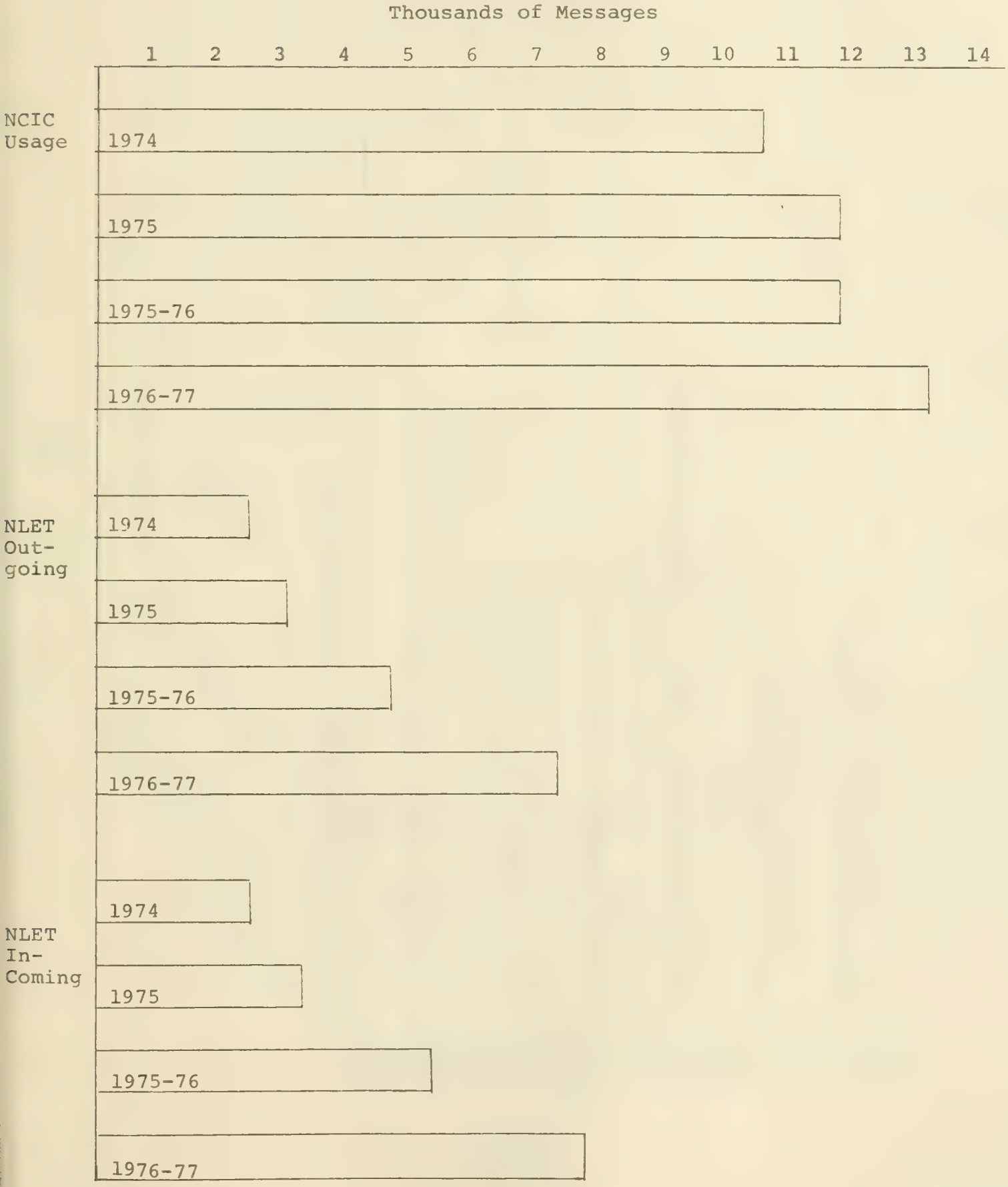
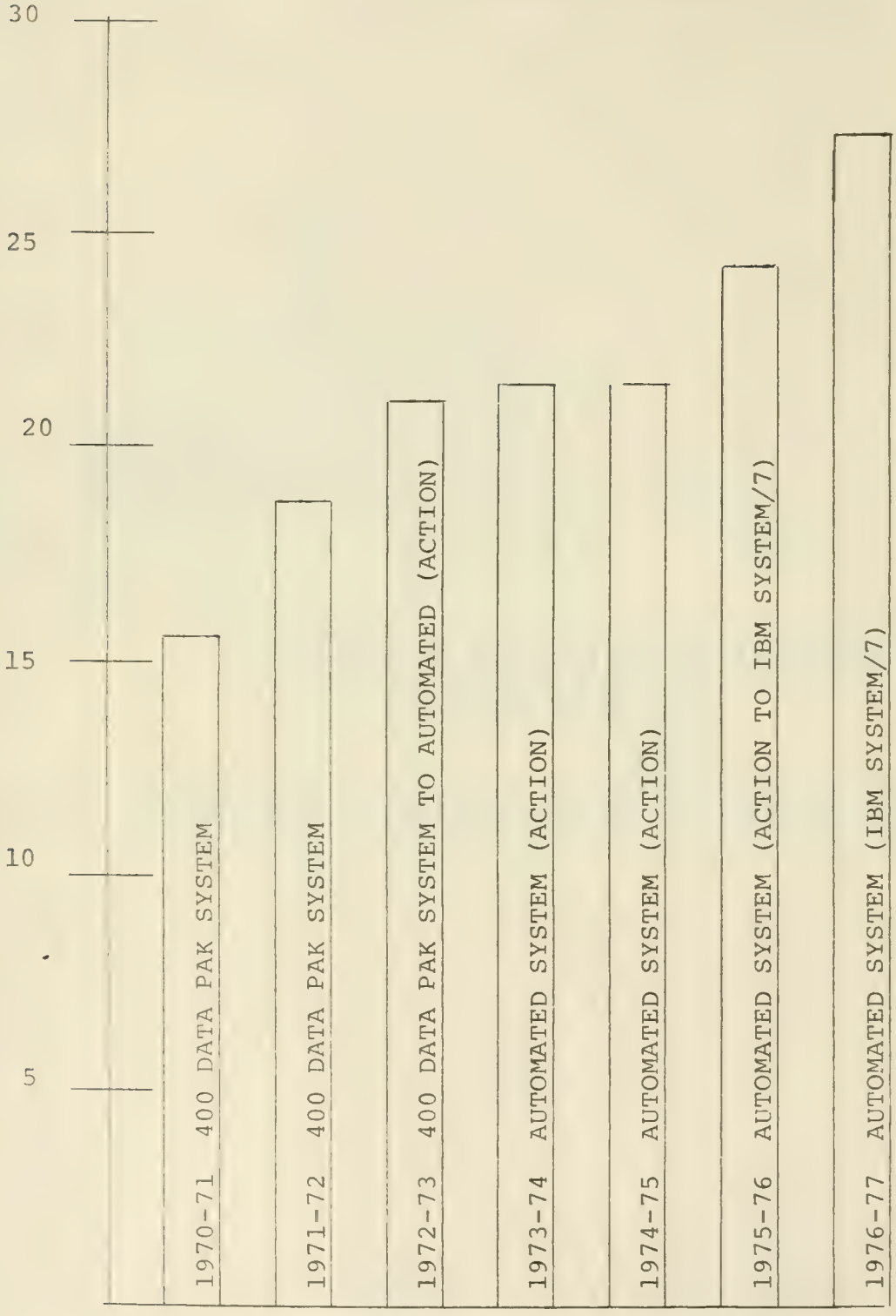


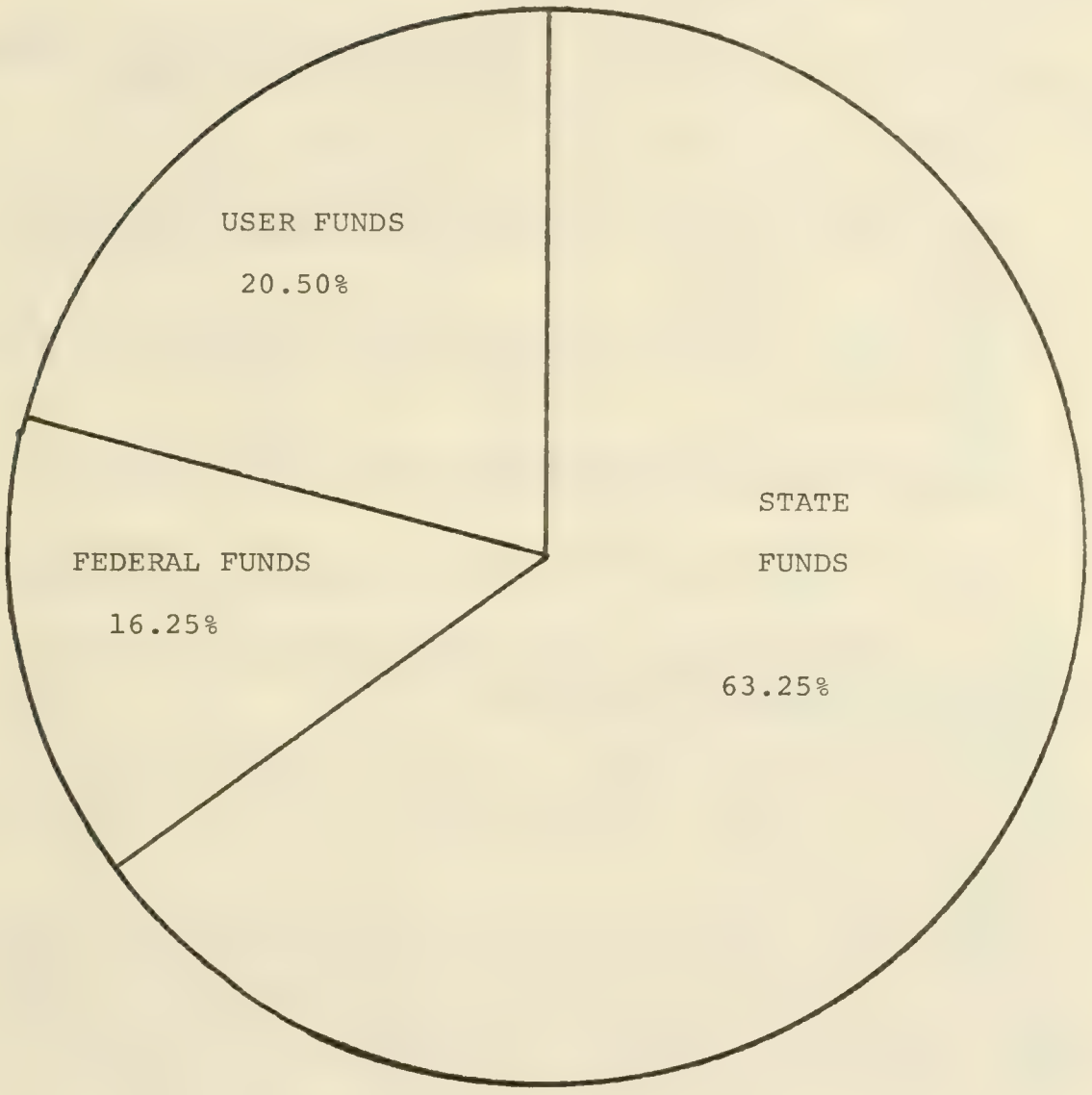
Illustration A-10

Costs for Total LETS Operation



SYSTEM COST PER MONTH IN THOUSANDS OF DOLLARS
(Based on Fiscal Year Figures)

Illustration A-11
LETS Operating Budget
1976-1977



TOTAL BUDGET $307,545.00

3. Identification Bureau

The Identification Bureau is under the direction and supervision of the Identification Bureau Chief. Employees of the LETS Bureau have also been instructed in the operation of the Identification Bureau's record check service to provide this service to all law enforcement agencies in the nation on a 24-hour-a-day, 365 day-a-year basis.

The bureau is currently staffed by four full-time employees, including a court qualified latent fingerprint expert.

Primary activities of the bureau include:

1. procurement and filing of criminal information on all persons arrested for felonies and other reportable crimes in Montana;

2. preparation and dissemination of criminal histories (rap sheets) to contributors of fingerprint cards in the State of Montana;

3. providing criminal information to law enforcement agencies throughout the country (record checks);

4. updating and consolidation of files for microfilming and for a name index to include aliases and nick-names;

5. assistance to law enforcement agencies in obtaining information regarding convicted felons and other well-known and habitual criminals.

The fingerprint cards provided by this bureau have been checked for compatibility with FBI-NCIC codes. Information for eventual data transcription and automation is being collected from these cards.

The bureau compiles a monthly bulletin for distribution to law enforcement agencies. The bulletin includes announcements of a general nature (i.e., changes in policy, dates of schools to be held, etc.), information concerning crimes committed, inmates received, discharged, and paroled at Montana State Prison, parole violators, and missing persons.

Table A-11
Summary of Identification Bureau Activities

	1976	1977
Total number of fingerprints on file	159,807	149,084
Total number of records purged	25,722	16,314
Fingerprint cards received, searched, classified, and filed	4,125	5,524
Average per month(12 months)	344	460
Positive identification of individuals with prior record	1,442	1,986
Average per month(12 months)	120	166
Number of record searches	18,001	25,552
Average per month(12 months)	1,500	2,129
Number of teletype responses	3,527	4,987
Average per month(12 months)	294	416
Latent fingerprint cases received and processed	194	287
Average per month(12 months)	12	24

4. Fire Marshal Bureau

The state Fire Marshal Bureau employs eight full-time persons, of which a supervisor and two deputies are in the arson section. One deputy is a plans reader and an inspector; another is a field deputy. The bureau also has two secretaries and a chief. Twenty-two special deputies are used on a part-time basis in investigations.

Part-time investigators are used in the initial investigation of fire scenes. If arson is suspected, a regular full-time deputy state fire marshal comes onto the case to assist local law enforcement. Because of limited staffing, it is not possible for the bureau to investigate all arson fires. Therefore, every effort is made to assist and train local fire departments and law enforcement agencies to carry on that function. Where this is not possible, the bureau will attempt to investigate a case to its conclusion. Technical assistance is provided to prosecuting attorneys in the preparation of arson cases for court. An active information gathering and disseminating program is maintained to assist the Fire Marshal Bureau, local law enforcement, and fire service personnel in handling arson cases.

Many services are provided by the Fire Marshal Bureau in addition to the specialized investigation of incendiary fires, such as polygraph examinations, inspections, code adoption, fire alarm and extinguisher licensing, plus prevention services and computerized fire reporting. Both classroom and individual training are provided for law enforcement agencies and local fire departments in arson investigation and detection techniques.

Table A-12
Fire Marshal Bureau
Activities Summary and Comparison

	1974	1975	1976
Reported Incidents	3,066	3,010	3,668
Incendiary Fires	165	204	224
Suspicious Fires	229	275	215

There were 537 vehicles fires reported in 1975. This figure includes automobiles, pickups, dumpsters, buses, motorcycles, and travel trailers. Of these 537 fires, 11% were reported as either incendiary or suspicious.

There are limited statistics currently available on prosecutions attempted and convictions rendered. This data is not routinely reported to the Fire Marshal's office by local government.

The following illustrates the disposition of arson cases in Montana for 1976:

Penal Institution	13	Probation	8
Juvenile Court	3	Psychiatric Care	4
Restitution	2	Cases Pending	4
Released to Parents	2	Insufficient evidence	1

The principal goal of the bureau is to "reduce fire loss and fire deaths to a limit acceptable to the public." A zero fire loss would be desirable, but unrealistic. The long-range target is to reach a 50% reduction of the annual loss from fire by the year 2000 ($7,500,000 and 15 lives). The loss due to criminal fire cause (arson) would then be $2,500,000 property loss and zero life loss if the target date goal is reached. Currently, an annual property loss of around five million dollars is being experienced from criminally caused fires.

The bureau is being restructured to allow three full-time deputies to work on solving arson problems. Emphasis will be directed toward improving the expertise of local fire and law enforcement agencies through group training schools and individually during actual fire investigations at every opportunity. The development of local arson teams for each major county will be pursued using county attorneys as the focal points. It is estimated that there are approximately 400 arson fires that go undetected and unreported each year in Montana. That total may double when fire departments become trained to effectively determine causes.

5. Law Enforcement Academy Bureau

The Montana Law Enforcement academy was created by the legislature in 1959 to provide Montana law enforcement officers with additional training. In 1972, the Montana Law Enforcement Academy was renamed the Law Enforcement Academy Bureau and placed under the Department of Justice pursuant to the Executive Reorganization Act of 1971.

The Law Enforcement Academy Bureau is located on the campus of Montana State University in Bozeman. The dormitory accommodates 36 students on a year-round basis and additional dormitory space is available upon request during the period of March 15 - September 15. The dining area and facilities for defensive tactics are also located nearby. The staff office space and classroom areas are located in Colter Hall, which is separate from the dormitory.

The Law Enforcement Academy's firing range is located east of Bozeman. It provides concrete firing lanes and positions, adjustable flood lights, classroom area, electronic target system, heated range house, and adequate parking.

The Academy makes use of various services of the Montana State University. Those services include the photography lab, multilith department, publication/news service, physical plant and the university development and alumni department.

The Academy is the only centralized training center for law enforcement and other criminal justice personnel in Montana. It provides major training for individual law enforcement departments in the state, and is also used by out-of-state law enforcement agencies and Canadian provinces. All training in Montana (which is POST certified) is either monitored or conducted by the Law Enforcement Academy.

The Law Enforcement Academy presents many basic, advanced, intermediate, specialized, legal, and technical sessions during an annual training schedule. The following table lists the departments which the special guest instructors represent.

Table A-13
L.E.A.B. Guest Instructors

Federal Bureau of Investigation
Sheriff's Departments
Police Departments
Canadian Police Agencies
Bureau of Indian Affairs
National Auto Theft Bureau
State Supreme Court Justices
District Judges
Justices of the Peace
U.S. Treasury Department
Bureau of Narcotics and Dangerous Drugs
Law Enforcement Teletype System
Social Welfare Agencies
AID - Technical Systems Division
State Board of Health

Table A-13 (Continued)
L.E.A.B. Guest Instructors

County Attorneys	Civil Defense
Business Professionals	Federal Reserve Bank
Press & Media Professionals	Montana State Prison
Psychiatrists	Board of Livestock
Pathologists	State Crime Lab
Montana State University	Montana Highway Patrol
University of Montana	State Fire Marshal
U.S. Forest Service	Board of Pardons
Carroll College	Campus Security
Fish & Game Department	Board of Crime Control
Internal Reveral Service	Fraud Division of Master
Emergency Medical Services Bureau	Charge & BankAmericard

The Academy is directed and supervised by a bureau chief and has an assistant chief, a training coordinator, two police instructors, three full-time secretaries, and a part-time clerk.

During the past year, 70 schools -- 45 regional schools and 25 specialized schools -- were held at the Academy over a period of 79 weeks of instruction with 1423 students attending and 1397 students graduating.

Table A-14
L.E.A.B. Student Attendance Summary

Fiscal Year	Total Students
1973-74	561
1974-75	707
1975-76	1104
1976-77	1423

With the enactment of mandatory training requirements, and the progress of the Academy's regional training program, a substantial increase in training workload has been noted.

The following table of the 1976-77 Academy Schools shows the variety of training offered to law enforcement and other criminal justice personnel.

Table A-15
FY 76-77 L.E.A.B.
Schools and Graduates

School	Graduates
Basic - 20th Session	19
Firearms Instructor	15
Basic - 21st Session	13

Table A-15 (Continued)
FY 76-77 L.E.A.B.
Schools and Graduates

School	Graduates
Regional Training #41	16
Intermediate - 4th Session	15
Regional Training #40	10
Audio Intelligence Devices	16
Basic Arson Investigation	21
Regional Training #42	15
Regional Training #43	20
Basic - 22nd Session	31
Regional Training #44	11
Regional Training #45	11
Regional Training #47	17
Regional Training #46	21
Intermediate - 5th Session	29
Regional Training #26	14
Regional Training #55	13
Advanced - 9th Session	12
Regional Training #51	11
Regional Training #52	17
Regional Training #56	10
Regional Training #53	6
Regional Training #54	20
Regional Training #58	14
Regional Training #48	13
Instructors Development	13
Regional Training #57	9
Regional Training #49	31
Civil Process & Procedure	14
Regional Training #62	22
Regional Training #61	28
Regional Training #63	17
Regional Training #59	17
Regional Training #67	14
Dispatcher Training	20
Regional Training #64	16
Regional Training #65	9
Death Investigation	23
Regional Training #50	32
Regional Training #60	11
Police Management	13
Regional Training #68	11
Regional Training #66	21
Classification of Fingerprints	8
Latent Fingerprint	10
Regional Training #73	37
Legal Training	35
Regional Training #71	14
Basic - 23rd Session	36

Table A-15 (Continued)
FY 76-77 L.E.A.B.
Schools and Graduates

School	Graduates
Regional Training #70	17
Photography	20
Fish & Game Ex Officio	21
Regional Training #74	113
Intermediate - 6th Session	31
Regional Training #77	14
Basic - 24th Session	35
Regional Training #73	26
Regional Training #80	23
Regional Training #79	9
Advanced - 10th Session	16
Regional Training #78	15
Forest Service Law Enforcement	12
Forest Service Law Enforcement Refresher	27
Regional Training #81	21
Regional Training #76	35
Regional Training #75	43
Regional Training #69	6
Regional Training #83	21
Regional Training #84	21
TOTAL	1397

The Academy continues to provide services for criminal justice personnel, to state and local government, and to citizen groups through the Susan Yaeger Memorial Library. This library includes research and reference material for Academy trainees, film and video cassette training units for Academy training, and in-service training for law enforcement agencies throughout the state. Films are also available for community use. This library is constantly being augmented by the purchase of new training films and material.

The Law Enforcement Academy's "Bulletin" is being published on a quarterly basis and is received by graduates of all Academy schools, sheriffs, chiefs of police, coroners, probation and parole officers, and justices of the peace. The "Bulletin" is currently received by 2,600 persons. It includes information about Academy schools, services of the Academy, personal items concerning promotions, honors, retirements, and special achievements of Academy graduates, and recent Supreme Court Decisions.

Room and Board Charges

The following table shows the room and board charges at the Law Enforcement Academy that were in effect as of July 1, 1976:

Table A-16
L.E.A.B. Room and Board Charges

Police & Sheriff Departments

Basic School	$2.70/day x 38 days =	$102.60
Advanced School	$2.70/day x 12 days =	32.40
Intermediate School	$2.70/day x 12 days =	32.40

State Agencies

Basic School	$5.40/day x 38 days =	$205.20
Advanced School	$5.40/day x 12 days =	64.80
Intermediate School	$5.40/day x 12 days =	64.80

The Legal Training School is now a mandatory school. Therefore, the cost for Police and Sheriff Departments is $2.70 per day for five days, or $13.50; the cost for state agencies is $5.40 per day for five days, or $27.00.

All special schools are billed at $5.40 per day times the number of days the school is held, for all departments. The following table lists the schools and the number of days each is held:

Table A-17
Duration of Special Schools

Dispatcher School	5 days
Death Investigation	5 days
Police Management	12 days
*Classification of Fingerprints	5 days
**Latent Fingerprints	5 days
Photography	12 days
Firearms Instructor	12 days
Basic Arson	5 days
Electronic Intelligence	5 days
Defensive Tactics Instructor	5 days
Civil Process	5 days
Juvenile Law Enforcement Procedure	5 days
Bombs	5 days
**Forest Service Law Enforcement	5 or 12 days
Fish & Game Ex Officio	5 days
Highway Patrol Recruit	68 days

*If both of these schools are attended, the charge is for 12 days.

**This is based on whether the student attends just the refresher course held the second week only or if he/she attends the complete two weeks of instruction.

Table A-18
Program Cost Summary
FY 77-78

EXPENDITURES:		
	Personnel	$129,868.00
	Contracted Services	33,194.00
	Travel	37,846.00
	Equipment	8,180.00
	Operating Expenses	94,131.00
TOTAL EXPENDITURES:		$303,219.00
REVENUE SHARING:		
	General Fund Appropriation	$ 61,122.00
	Earmarked Revenue (local) government-room & Board)	29,269.00
	State of Montana Federal Title II	207,027.00
	HB 834	5,801.00
TOTAL REVENUE:		$303,219.00

Listed below is the data regarding academy students which reflect background, areas of training, general education, procedures, and equipment

Table A-19
Comparative Montana Peace Officer Data

	FY75	FY76
Total Students Surveyed	493	882
Average age	33 years 4 months	34 years 1 month
Average Length of Service	5 years 2 months	5 years 1 month
Average Years Formal Education	13 years	13 years 1 month
Average Hours Police Training	358 hours	349 hours
Most Common Academic Major	Police Science & Sociology	Police Science & Sociology
Percentage with College Degrees	16.3%	17.6%
Percentage Providing Uniforms	74.3%	70.1%
Percentage Provinding Vehicles	94%	91.9%

	FY77
Total Students Surveyed	1423
Average Age	32 years 2 months
Average Length of Service	5 years 1 month
Average Years Formal Education	13 years 3 months
Average Hours Formal Police Training	385 hours
Most Common Academic Major	Police Science, Sociology & Criminal Justice
Percentage With College Degrees	22.7%
Percentage Agencies Providing Uniforms	76%
Percentage Agencies Providing Vehicles	93%

The Law Enforcement Academy is continually upgrading its standards of training and classroom presentations. The Law Enforcement Academy staff instructors have attended the following courses and seminars, enabling them to expand their expertise in their related fields:

National Crime Prevention Institute, Louisville, KY
Managing Criminal Investigations, Denver, CO
Crisis Intervention Edmonton, Alterta, Canada
FBI National Academy, Quantico, VA

Crime Control Division

Bureau of Research and Design

The Bureau of Research and Design includes the Automated Data Processing Center and the Criminal Justice Data Center.

The bureau is responsible for all statistical activities handled by the SPA. These include regular reports on crime and criminals in Montana, special studies of various aspects of the criminal justice system, and responses to inquires from outside the SPA.

The bureau provides a capability for computerizing many portions of the SPA data collection effort and has taken the lead in computerizing significant areas of the criminal justice information system. In addition, the bureau provides technical assistance upon request in such areas as recordkeeping, statistical research, and computer systems for law enforcement.

Automated Data Processing Center

The Automated Data Processing Center is responsible for the planning, development, and maintenance of automated criminal justice information systems. The current automated systems are the arrest register, offenses known to the police, juvenile court, and criminal justice mailing labels.

Currently, programs are run on both the Department of Administration and the Highway Department computers. The Automated Data Processing Center has a terminal linkup with both computer centers.

The automated data center is currently developing a Juvenile Probation Information System, which will analyze and summarize data supplied by juvenile probation officers throughout the state. The subgrant portion of the county inventory has been computerized to provide faster access to this file of information.

(1) In addition, a grant management information system (GMIS) has been developed to handle many of the SPA's accounting functions. The SPA's GMIS interfaces with the state budget and accounting system.

(2) The bureau has developed the system software which allows it to interact with the Statistical Package for the Social Sciences (SPSS). SPSS has provided high level analysis for several surveys conducted by the SPA.

The head of the Automated Data Processing Center is also responsible for the development of a statewide criminal justice information system plan. The plan provides long-range guidelines for the acquisition and use of computerized information systems for criminal justice within the state.

Criminal Justice Data Center

The Criminal Justice Data Center staff is made up of a supervisor, two statistics clerks, a computer programmer, and a statistician. Facilities for the Data Center are provided within the office complex of the SPA in Helena.

Criminal Justice Data Center personnel use the centralized computer of the Department of Administration for key punching and summarizing criminal statistics. Data is compiled from a monthly register of arrests and offenses known to police submitted by 56 county sheriffs, 48 police departments, and seven tribal police agencies plus the U.S. Immigration Service. Reports are compiled in the form of crime analyses and crime projections.

Data is disseminated by means of a semi-annual statistical report issued by the center and distributed to all law enforcement and interested criminal justice agencies in the state. Additionally, individual inquiries from the field are handled as needed.

The only other agency collecting similar criminal justice information in Montana is the Federal Bureau of Investigation through the Uniform Crime Report system. Although some duplication occurs at the local level, the state of Montana derives more complete statewide reporting and collects more detailed information than does the FBI.

The Montana State Prison supplies information to the center each month on its admissions and releases. The data center also collects information from the district court system on felony trials conducted in each of the 18 judicial districts. This effort began in July, 1974, and the court and prison data collected is analyzed and is included in the annual year-end report, "Crime in Montana."

In addition, the data center conducts periodic public opinion surveys to sample attitudes about the operation of Montana's criminal justice system. Survey results are incorporated in the state comprehensive plan. (see Crime Analysis section)

Comprehensive Data System (CDS)

The SPA has an approved CDS Comprehensive Plan. As a result, the SPA has received federal monies to support the Criminal Justice Data Center, Technical Assistance, and the Management and Administrative Information System modules of the CDS.

The Department of Justice will undertake the development and implementation of the OBTS/CCH (Offender Based Transaction Statistics/Computerized Criminal Histories) module and the Uniform Crime Report module. The Department of Institutions is currently developing the OBSCIS (Offender Based State Corrections Information System).

Refer to the organizational chart in illustration a, page iii.

Peace Officers Standards and Training (POST)

The POST program in Montana has been functional since November 1, 1972. During that period the following courses have been designed and mandated: the Basic Course of 280 hours, the Intermediate Course of 80 hours, and the Advanced Course of 80 hours. Nine minimum selection standards were established and mandated for the employment requirements of new peace officers. The certification program was established and as of June 30, 1977, there are 725 officers certified for the Basic Certificate, 189 officers certified for the Intermediate Certificate, and 76 officers certified for the Advanced Certificate. A video-cassette training program was established to fill some of the gaps existing in training throughout the state. Tests have been devised to determine what material the officers are retaining and these tests are administered by each agency using this training program. The training program was expanded to include about 60 training cassettes and these were turned over to the Law Enforcement Academy for its staff to supervise and to distribute throughout the state for the use of local agencies. POST also received a $2,200 gift of eight 16mm films produced by Dr. George Kirkham entitled "Human Dimension." These are situational training films in the areas of human relations, minorities, ethics, police morality, and police discretion. These have also been turned over to the Academy for its use.

POST adopted a law enforcement code of ethics which required a signed affirmation of the code as a requirement for certification. The POST Advisory Council developed forms to use in the selection of peace officers and instituted a cooperative agreement with the Montana Employment Service for administering written tests to all law entrained police instructors and as a result the POST Advisory Council footed an instructors course at the Academy. This course was presented by Northwestern University Traffic Institute instructors. Twenty-two peace officers graduated from the two-week course. Since then this course has been expanded to provide it to instructors from various agencies throughout the state. Approximately 120 officers have graduated from this course so far.

The POST Advisory Council received requests from sheriffs and chiefs of police to study the mushrooming problem of private security police. Montana had no statutes regulating this industry. The study was made and the executive director submitted a report which recommended the appointment of a task force to draft appropriate legislation regulating the private security industry and its personnel. In 1974, the Legislature passed the bill the task force drafted. Upon passage, the POST director and the administrator of the Department of Professional and Occupational Licensing drafted regulations to assist in fulfilling the requirements of the law. In the same year the POST

Council also sponsored legislation allowing highway patrolmen and police officers to be covered by social security. This bill successfully passed the Legislature.

As of June 30, 1976, only about 60% of the peace officers in Montana were POST-certified and about 10% of the law enforcement agencies were not meeting POST selection and training standards. Because of this the POST Council decided to employ an assistant director whose main purpose would be to monitor local agencies and assist them in meeting POST standards. On November 1, 1976, the assistant director was employed.

During 1975 and 1976, 30 sheriff and police departments had been provided the first eight volumes of the International Association of Chiefs of Police (IACP) Training Program. This gives each agency excellent in-service training and reference material. This program will be expanded to include any agencies that wish to participate. Each agency is required to establish a training record for each officer and to subscribe for new volumes as the IACP produces them. POST Council feels this program will assist local agencies in establishing continuing in-service training programs.

With the assistance of a volunteer law enforcement task force, POST developed legislation to regulate volunteer law enforcement groups. Included in the bill were minimum selection and training standards and an 88-hour Basic Course. The Legislature passed this bill and it was effective July 1, 1977. POST is now involved with the Academy Bureau in assisting those agencies with reserve officers in developing their training programs and developing procedures on how to coordinate their reserve officers' activities.

In early 1977 POST researched all the Montana Codes relating to the oath of office and administering the oath of office to peace officers. From that, POST published a bulletin containing the Oath of Office and the requirements for its administration and distributed it to all law enforcement agencies in the state.

POST reviewed the Basic, Intermediate, and Advanced Courses to determine if there were any changes needed in the curriculum. After the review and with assistance of the Academy staff, changes were made in all three courses. It is felt that the courses as they are now being presented are more job-related than ever before.

The Council is now studying proposals on allowing training points for the Basic Course, to require additional training points for officers with academic degrees, and to require officers from out of state holding basic, intermediate, and advanced courses to not only complete the legal training course but to also successfully complete the written examination for the Basic, Intermediate, or Advanced courses before awarding them such certification. POST has a written examination developed by the National Association of State Directors of Law Enforcement Training for out-of-state officers seeking in-state employment and POST certification. This particular test is related only to the Basic Certificate and it has now been validated to the Basic Course.

Investigation Division

The Department of Revenue's Investigation Division was established in 1973 to conduct all of the department's investigations.

The division employs 14 investigators to work primarily in the areas of alcoholic beverage control and cigarette taxes. There are an additional seven investigators whose primary responsibilities are tax fraud, welfare fraud, and child support enforcement.

The investigators are by statute allowed to carry concealed weapons, but are not designated as peace officers with powers of arrest, except in the case of cigarette tax, licenses, and stamps. The investigators are given the powers of peace officers in the regulation of cigarettes, and are authorized and empowered to arrest any person violating any provision of the cigarette act (R.C.M. 1947; 84-5606.26).

The Alcoholic Beverage Control Bureau is primarily responsible for receiving, investigating, and filing complaints regarding illegal activity related to alcoholic beverages. The investigators can seize legally obtained evidence and prepare a case for prosecution. The complaint, when confirmed as a violation, is filed either as a criminal action, processed through the county attorney's office, or as a civil action, which is filed with the Department of Revenue's Liquor Division.

In order to qualify for the position of investigator, an individual must meet the POST standards for employment as a peace officer, possess a college degree, and have a minimum of two years police experience. An effort is made to see that each of the investigators attends the Basic School and some specialized schools at the Law Enforcement Academy Bureau.

The vehicles of all investigative agents are equipped with two-channel mobile radios and the Division has a LETS terminal located in Helena for effective communications with state, local, and federal law enforcement agencies.

Department of Livestock

The Department of Livestock is supervised by the Board of Livestock, comprising seven members appointed by the Governor. From this membership, the Governor also appoints the Board Chairman.

The Department operates two Divisions, the Animal Health Division and the Brands-Enforcement Division.

Brands-Enforcement Division

The Division Administrator and staff of 12 including the Chief of the Investigation Bureau are located in the Livestock Building in Helena. The primary function of the office is the collection and maintenance of records and the coordination and supervision of field activities.

In the field there are 17 field stock inspectors and 40 market inspectors operating in 17 field districts as shown in Illustration A-12.

The Brands-Enforcement Division records all brands and transfers of livestock throughout the state and in surrounding states and regulates markets and livestock dealers.

Inspectors are responsible for the investigation of all lost and/or stolen livestock. Regular inspections are made of proper brands at all sales, of cattle transported over county and state lines, of livestock imported into Montana, of the sale of estray livestock or mortgaged cattle. Inspectors also investigate violations of market laws and dealer licensing laws.

All field stock inspectors receive specialized training in brand inspection and cattle movement inspection plus basic law enforcement training at the Montana Law Enforcement Academy in Bozeman.

Table A-20
Brands-Enforcement Division
Activities Summary

	FY 1976	FY 1977
Market Inspections		
Cattle	1,141,129	1,121,248
Horses	12,556	13,957

Table A-20 (Continued)
Brands-Enforcement Division
Activities Summary

Livestock returned to owner		
Cattle	1,240	4,008
Horses	169	203
Lost or stolen		
Cattle	940	985
Horses	128	42
Sheep		404
Felony cases investigated	46	36
Misdemeanor cases investigated	84	66
Livestock transportation check		
Cattle		24,134
Horses		4,137
Number of trucks		1,064
Number of violations		29
Trucks checked by Patrolmen		346
Trucks checked by Sheriffs		73
Trucks checked by Inspectors		282
Trucks checked by G.V.W. stations		395

Data on convictions is not available on a statewide basis and must be recovered from the records of local jurisdictions.

Inspectors generally coordinate their activities and investigations with sheriffs, county attorneys, the Highway Patrol, Fish and Game, Division of Weights and Measures, federal law enforcement agencies, and other state agencies.

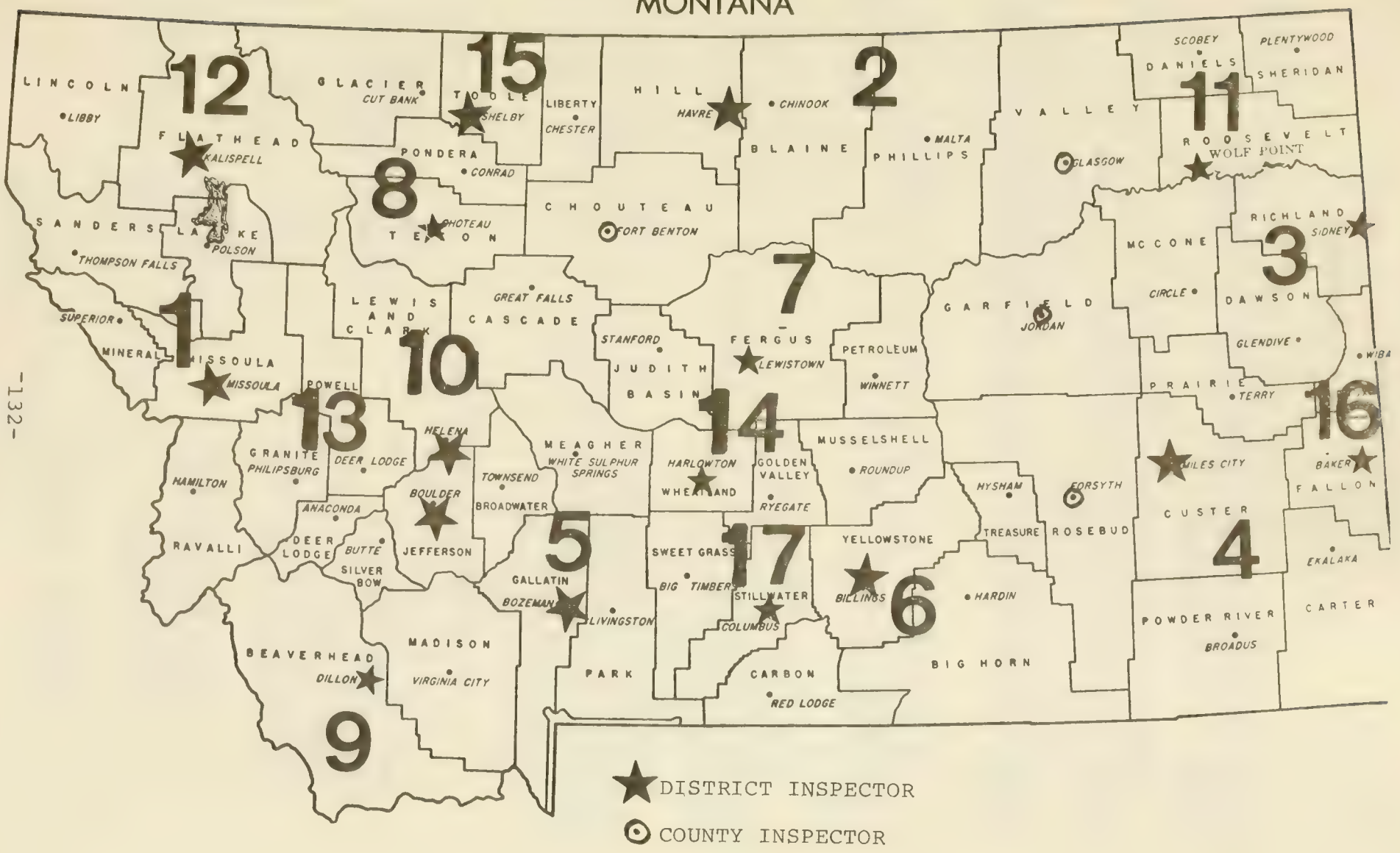
In cooperation with the Highway Patrol, a livestock inspection form has been devised by the Division. The use of this form will enable the Patrol to make a complete inspection of transported livestock. This mutual effort is expected to reduce the increasing number of illegally transported livestock.

Livestock inspectors are equipped with mobile radios mounted in their own personal vehicles and are issued mobile radios when investigations require them. The Division has 30 mobile radios, four portable radios, and various other law enforcement equipment.

Table A-21
Livestock Inspection & Control
Program Cost Summary

Expenditures by Category		
Personal Services	794,113.00	874,127.84
Operating Expenses	161,030.00	189,055.11
Equipment	4,208.00	13,209.12
	$959,351.00	$1,076,392.07

Illustration A-12
Livestock Division Field Districts



#9, #15, #16--MARKET & DISTRICT INSPECTORS

Department of Fish and Game

The Department of Fish and Game is supervised by a commission of five members, all appointed by the Governor. The Governor also appoints the chairman of the commission and the Director of the Department.

The Law Enforcement Division, headed by an administrator, maintains general headquarters in Helena and seven regional offices. The organization of the Division is shown in Illustration A-13.

Each enforcement unit in the seven districts is directed by a warden captain, who supervises sergeants and wardens in his command.

Currently there are 82 uniformed warden officers, all equipped with sedans, pick-up trucks, or suburbans. All vehicles are equipped with mobile radios. In addition to land vehicles, the Department operates four fixed-wing aircraft and one helicopter.

State Fish and Game wardens are designated as peace officers by statute. Besides enforcing fish and game laws, they have specific authority to enforce snowmobile laws, boating laws, parks laws, and litter laws, and to deal with vandalism of private property.

Many game wardens have been appointed deputy sheriffs in the counties they are stationed in, and they assist the sheriffs in performing law enforcement functions within the counties. In 1975, game wardens assisted local law enforcement agencies in 939 cases. Part of their training is in specialized schools at the Law Enforcement Academy in Bozeman.

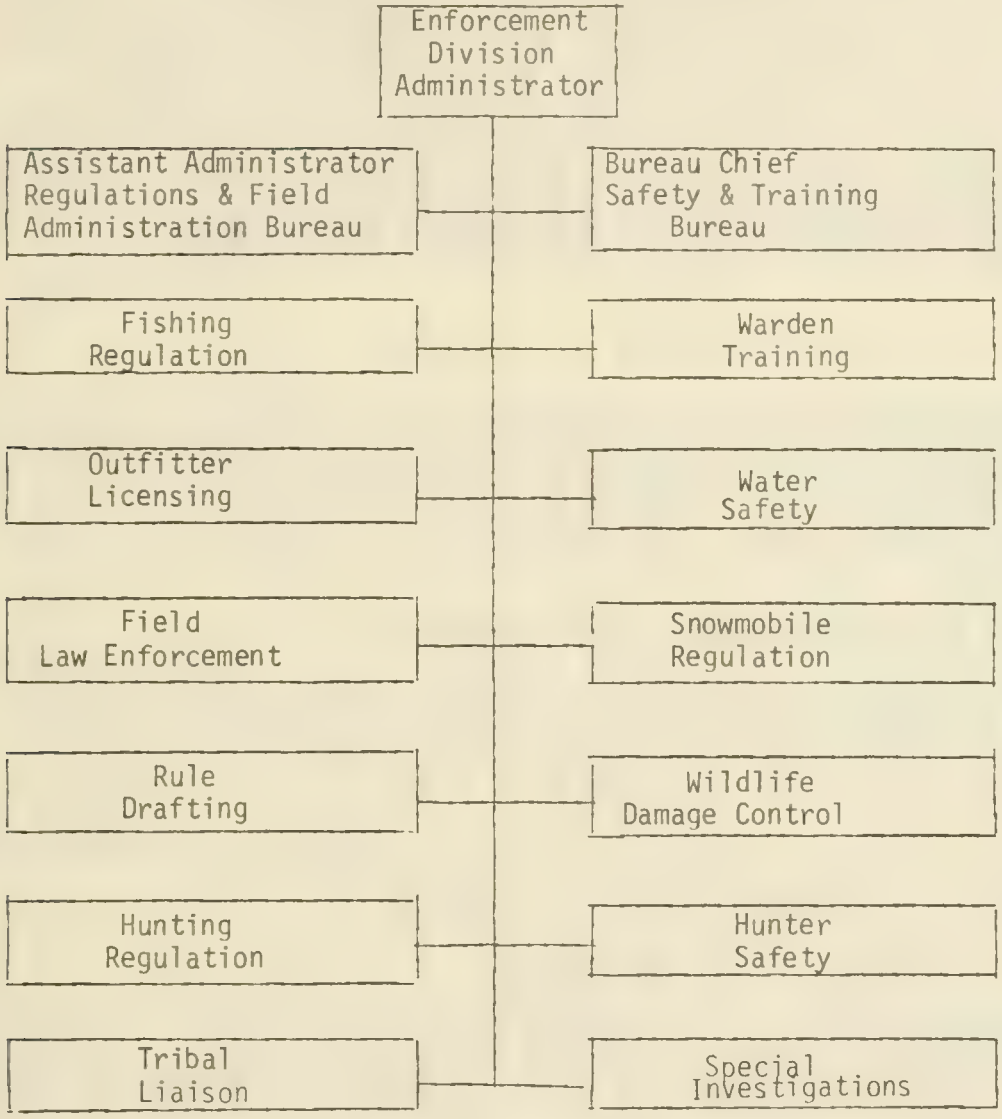
Table A-22
Fish and Game Enforcement Division
Activities & Budget

	FY1974	FY1975
Creel Checks	40,586	35,776
Game Bag Checks	39,084	41,518
Notice to Appear and Complaint Forms Issued	3,614	2,539
Courtesy Citations Issued	876	841
TOTAL LICENSES SOLD	1,171,863	1,088,679

	FY1975
Personal Services	$1,472,839
Operations	485,341
Equipment	9,126
Capital Outlay	0
	$1,967,056
Earmarked Revenue	$1,905,973
Federal & Private Revenue	61,083
TOTAL	$1,967,056

Illustration A-13

Department of Fish & Game Organization



Communications Division

The Communications Division of the Department of Administration was established in 1971 to specifically provide communications services and systems to all agencies of state government (ref: Section 82-3325, R.C.M. 1947). One full-time communications engineer is now dedicated to the Crime Control Division for user assistance, subgrant application preparation and review, system design and technical assistance, frequency coordination and licensing, and communications planning. The communications engineer is supported by the staff of the Division.

1) Subgrant assistance

The Division provides assistance to the Crime Control Division and law enforcement agencies in preparing subgrant applications for communications and other related electronic equipment to ensure that only the most economical, technically sound, and justifiable applications are submitted.

2) System design and specifications

The Division provides assistance in evaluating existing or proposed communications systems, designing new or modified systems, and preparing equipment and system specifications. The Division also makes the necessary recommendations to user agencies to ensure compliance with the state law enforcement communications plan and that only the most modern and suitable equipment is used.

3) Other technical assistance

The Division will provide available technical assistance addressing specific equipment and/or operational problems, limited on-site visits to investigate equipment malfunctions, or improper installation or operation of equipment, and will provide a library of reference and equipment data to user agencies.

4) Frequency coordination and FCC licensing

The Division provides the required frequency coordination for law enforcement agencies or law enforcement communications systems. The Division also assists agencies in obtaining new or amended FCC licenses and will ensure that all licenses are properly renewed and kept up to date.

5) Equipment procurement and vendor performance monitoring

Since the State Term Contracts for communications equipment are the responsibility of the Division, a more direct input is achieved for law enforcement communications. The Division assists the Crime Control Division and law enforcement agencies wishing to purchase communications or other related electronic equipment in bid specifications, bid advertisement, and the evaluation and awarding of bids if the required equipment is not available on a State Term Contract. The Division also will monitor subgrants after award to ensure that vendors meet all bid terms and specified delivery dates, installation terms, and equipment warranties, and that the proper equipment and optional items have been delivered.

6) Specific user needs

The Division will repeatedly survey and evaluate other specific communications needs to ensure that valuable time and effort is not wasted in needless investigations. Specific projects will be undertaken, but only after it is determined that these projects are in the best interest of the Crime Control Division and law enforcement communications. The Division, in cooperation with the Montana Law Enforcement Academy and the Montana Chapter of APCO (Associated Public-Safety Communications Officers), will continue to actively support and develop a training program for law enforcement communications personnel.

State Communications Plan

The state plan for Montana law enforcement radio communications was developed by the Electronics Research Laboratory (ERL) at Montana State University, adopted by the Board of Crime Control in 1971, and has since been modified by the Communications Division. The state plan is best presented as a list of frequencies (channels) together with their use or assignment. Such a list is displayed in illustration

There are several different kinds of channels: e.g., 39.82 is the statewide channel, included in almost all radio systems, and used by nearly all law enforcement other agencies. The Federal Communications Commission (FCC) has designated this channel for use by local government (LG) agencies and police agencies. Because it is an LG channel, it also may be used by wreckers and ambulances, and provides a "party line" on which all of these agencies can contact each other.

In contrast, 39.88 is a police-only channel, designated the statewide secondary channel. A license holder may permit a wrecker or ambulance on this channel if he desires, if such users provide a service to the license holder and agree in writing to abide by the FCC regulations governing the license for that system.

Early in the plan, 39.86 and 39.88 were called regional channels, but once the mobile relay station channel was included, 39.86 became a local channel and 39.88 became the statewide secondary channel.

Local channels are assigned to agencies that have enough radio traffic to justify the addition of such channels.

The mobile relay station channel (repeater) uses 39.56 input and 39.96 output with a repeater.

Special channels are designated for state agencies and these channels should be used only by the designated agencies.

Illustration A-14

MONTANA LAW-ENFORCEMENT RADIO FREQUENCIES (MHz)

39.500.....Local usage
39.520.....Missoula Co. SO
39.540.....Dept. of Justice, Investigation, Communications & I.D. Divn.
39.560.....Mobile Relay input (used with 39.960)
39.580.....Local usage
39.600.....State Agencies
39.620.....Kalispell PD and Montana State Prison
39.640.....Deer Lodge Co. SO and Flathead Co. SO
39.660.....Flathead Co. SO, Sanders Co. SO and Department of Revenue
39.680.....Montana State Prison and Powell Co. SO
39.700.....State-wide Mobile-to-mobile
39.720.....Gallatin Co. SO, Missoula PD and SO, and University of Montana
39.740.....Indian Tribal Police
39.760.....Glasgow PD, Lewis & Clark Co. SO and Yellowstone Co. SO
39.780.....Department of Livestock
39.800.....Ronan PD and Silver Bow Co. SO
39.820.....State-wide Primary
39.840.....Belt PD, Bozeman PD, Cascade Co. SO, Cascade PD & M.S.U.
39.860.....Local usage
39.880.....State-wide Secondary
39.900.....Department of Fish and Game
39.920.....Department of Justice, Highway Patrol Bureau
39.940.....Local usage
39.960.....Mobile Relay output (used with 39.560)
39.980.....Civil Defense and Local usage
154.725.....Billings PD
154.965.....Helena PD
155.010.....Billings PD, Butte PD and Eastern Montana College
155.100.....Helena PD
155.130.....Butte PD and Eastern Montana College
155.610.....Billings PD
155.895.....Mountain View School
453.050.....Great Falls PD
453.300.....Great Falls PD
453.750.....Great Falls PD
453.950.....Great Falls PD
458.050.....Great Falls PD
10525.000.....State-wide Radar

TONES (Hz) MOBILE RELAY STATIONS (39.560/39.960 MHz)

146.2 (1/A)....Patrick's Knob, 3 miles WSW of Paradise, Sanders County
151.4 (2/B)....Eaglehead Mountain, 32 miles S of Bozeman, Gallatin County
156.7 (3/C)....King Mountain, 5 miles ENE of Troy, Lincoln County
156.7 (3/C)....Porphyry Peak, 8 miles S of Neihart, Cascade County
162.2 (4/D)....Mount Maurer, 20 miles SSW of Dillon, Beaverhead County
167.9 (5/E)....Scalplock Mountain, 2 1/2 miles NE of Essex, Flathead County

July 8, 1976 - VLP

In 1972, by means of a convention and subsequent ratification, Montana produced a new Constitution, which became effective July 1, 1973. Although not initiating sweeping changes in the structure and operation of the judicial branch of government, nevertheless the document moved in the direction of widely advocated judicial reforms. Substantial amounts of implementing legislation have been required.

A. The State Constitution and the Administration of Justice in the Courts

(1) Declaration of Rights

The Montana constitutional counterpart of the federal Bill of Rights requires that justice in the state be administered by courts open "to every person," without "sale, denial, or delay," and that there be a "speedy remedy" afforded for "every injury of person, property, or character." Other individual rights relating to criminal justice in the courts are similar or identical to the rights guaranteed by the federal Constitution, with the following exceptions:

a. A "right to know" of governmental activities, a "right to participate" in governmental decision-making, and a "right to privacy" are included explicitly;

b. Sovereign immunity is abolished for the state and all its potential subdivisions except in certain cases as provided by the legislature in accordance with the provisions of the Constitution. Legislation enacted in 1977 provided some exceptions. Law provides immunity in cases such as the suppression of fires or certain actions during a disaster or catastrophe. Court rulings have established that each subdivision will bear whatever liability may be incurred by its employees acting within the scope of their employment in all non-excepted areas.

c. A criminal action brought in a court of general jurisdiction (i.e., felony charge or some misdemeanors) must be initiated by information following certain prescribed procedures, while a criminal action initiated in a court of limited jurisdiction (misdemeanor charge) may be begun by complaints.

d. All accused persons are to be bailable, except for capital offenses. (The state supreme court has held that this provision does not apply to bailability pending appeal and, more generally, that the presiding judge has wide discretion in fixing and denying bail.

e. No person may be detained for the purpose of giving testimony longer than necessary to take his deposition.

f. A defendant may waive a jury trial in a felony or misdemeanor case, but if the cause is tried to a jury the decision must be unanimous.

g. Convicted persons are restored to full civil rights upon "termination of state supervision."

(2) Jurisdiction and Organization of the Courts

The judicial power of the state is vested in a three-tiered structure of appellate, general, and limited jurisdiction represented constitutionally by the state supreme court, district courts, and justice courts. The legislature may create other courts within this general framework. City courts of limited civil and criminal jurisdiction, municipal courts, and small claims courts have been permitted legislatively.

The state supreme court is the single appellate court in the true sense. Appeals from courts of limited jurisdiction to district courts must be trials de novo. The supreme court has original and concurrent jurisdiction over extraordinary writs. Its administrative authority over bench and bar is broad, including "supervisory control over all courts," the power to make all rules of practice and procedure subject to disapproval by the legislature, and the authority to regulate admission to the bar and the conduct of its members.

The Constitution mandates a supreme court of no fewer than five justices (the current number) and permits the legislature to increase the membership to seven. In the event of disqualification or disability of the chief justice or a justice, a district court judge may be substituted, with his opinion having the full effect of that of a justice.

District courts are the courts of general jurisdiction, with original and exclusive jurisdiction over all felonies, original jurisdiction over all cases in law and equity, and the power to issue such writs as are "appropriate to (their) jurisdiction." The Constitution allows the legislative delegation of additional jurisdiction, illustrated in practice, by the adoption of the Youth Court Act, giving original and exclusive jurisdiction of all juvenile matters to the district courts excepting only traffic and fish and game violations, and by the Dangerous Drug Act which places exclusive jurisdiction over drug offenses in the district courts.

The number and boundaries of judicial districts and the number of judges in each district are determined by the legislature subject to constitutional limitations prescribing that each district must be compact and bounded by county lines and that any redistricting must not result in removal of an incumbent judge. A degree of administrative flexibility in allocating caseloads among district judges and providing back-up judicial coverage in case of disqualification or disability is encouraged by constitutional permission to the chief justice to make a temporary assignment from one district or county to another if so requested by a district judge. Currently there are 19 districts in Montana, ranging in size from 715 square miles, to more than 23,000 square miles, and in population from about 10,000 to nearly 120,000. These districts are served by 29 judges, with no district having more than three judges and with 11 single-judge districts. The 1977 Legislature created two additional judgeships to be filled by election in 1978.

The constitutionally established courts of limited jurisdiction are the courts of the justices of the peace, or the justice courts. They are denied jurisdiction over felonies except for initial appearances and preliminary hearings. Otherwise, the legislature specifies their original jurisdiction, which presently includes most civil cases where a recovery will not exceed $1,500, all misdemeanors punishable by a fine not exceeding $500 or imprisonment not exceeding six months. Justice courts were granted powers and procedures to decide civil claims not exceeding $750 by means that transform these forums, in effect, into small claims courts.

There must be at least one justice of the peace in each of the 56 Montana counties, but the Constitution allows the Legislature to provide additional justices of the peace. In 1974, the Legislative Assembly re-delegated this decision to the county commissioners by giving the commissioners discretion to constitute an additional justice of the peace per county. Prior to the effective date of the 1974 legislation, there was a justice of the peace in each township in Montana, or a total of 154. At present, there are 92 justices of the peace, 36 Boards of Commissioners having elected to establish an additional justice.

(3) Judicial Selection, Qualifications, Tenure, and Removal

Constitutional prescriptions and procedures for judicial qualifications, selection, salaries, tenure, and removal are similar for justices of the supreme court and for judges of the district courts. The basic selection process for the judiciary in Montana is non-partisan election. The term of office for the chief justice and the justices of the supreme court is eight years; for district judges, six years. To be eligible for the supreme court bench or for a district judgeship, a candidate must be a U.S. citizen, a resident of the state for two years immediately preceding the taking of office, and must have been admitted to the practice of law in Montana for five years. Judicial salaries are left to legislative discretion, with the proviso that they shall not be diminished during a term of office. Currently, the chief justice receives a salary of $37,000; the justices, $36,000; judges, $35,000. District judges' salaries are paid by the state, as are their expenses for travel, but the administrative costs of district courts are borne by the counties. Statutes provide for a judicial retirement plan, with contributions made by the judge or justice and by the state.

Vacancies in the office of supreme court justice or district court judge are filled by gubernatorial nomination, with confirmation by the Senate.

The Governor's choice must be made from among "nominees selected in the manner provided by law." This constitutional directive was implemented legislatively in 1974 by the creation of a Judicial Nominations Commission, composed of seven members. Four members are appointed by the Governor to four-year terms. These must be neither judges nor attorneys, and are to be selected from different geographical areas of the state and representative of different industries, businesses, or professions. Two members are attorneys appointed by the supreme court, one from each congressional district. One member is a district judge, elected by the district judges in a special election regulated by the chief justice. The latter three members will also serve four-year terms after the initial appointment-staggering provisions in the statute expire. None may be a candidate for judicial office during his tenure on the Commission. Within 30 days from the date of a vacancy, the Commission must send to the Governor a list of not fewer than three nor more than five persons, from among whom the Governor must make the nomination. If he fails to do so within 30 days, the chief justice may make the nomination, according to the statute.

Supreme court justices and district court judges are required by the Constitution to face a retention election. That is, if a judge or justice is running as an unopposed incumbent, his or her name appears on the ballot together with an opportunity for the voters to accept or reject the incumbent. If rejected, the selection process involving the Judicial Nominations Commission is initiated.

Since these procedures were established, several vacancies occurred on the district court bench and were filled by the process outlined above. One supreme court justice has been elected on a retention ballot.

Two methods are provided by the Constitution for removal of supreme court justices and district court judges: impeachment; and removal by the supreme court upon recommendation of the Judicial Standards Commission.

The House of Representatives, upon a two-thirds vote, may impeach a judicial officer for a felony or misdemeanor or malfeasance in office. A two-thirds vote is again required for conviction by the Senate. Removal from office is the only penalty attaching to conviction.

The procedure which depends upon recommendations made by the constitutionally mandated Judicial Standards Commission is broader in scope and more flexible in theory (although as yet unused in practice) than the stark and cumbersome impeachment process. The Commission must investigate complaints, for which purpose it is granted the aid of subpoena powers. Upon its recommendation, the supreme court may retire, censure, suspend, or remove any justice or judge from office. Forced retirement is the option available for a judicial disability "that seriously interferes with the performance of his duties and is or may become permanent." Causes sufficient for censure, suspension, or removal are willful misconduct in office, willful and persistent failure to perform the duties of the office, or habitual intemperance. The rules of the Commission have interpreted its mandate to apply to all judges, justices of the peace, and city judges. The rules further provide that proceedings involving the Commission are and remain confidential until or unless the Commission, after investigation and a hearing, makes formal recommendation for censure, suspension, or removal. To date, no such recommendation has been made.

Enabling legislation defined the composition of the Commission as follows: two district judges from different judicial districts, elected by the district judges and certified to the clerk of the supreme court; and two citizens from different congressional districts who are not attorneys nor active or retired judges of any court, appointed by the Governor. After commencing with staggered terms, all will serve for four years (unless a judge is defeated in an election in the interim, whereupon he will cease to serve on the Commission).

In regard to justices of the peace, the Constitution dictates only terms of office (four years) and the provision and maintenance of "dignified surroundings." Qualifications, training, and compensation of justices of the peace are determined by the Legislature.

By law, justices of the peace must be elected on a nonpartisan ballot. Each position in the county is to be numbered by the commissioners, and a candidate for justice of the peace must indicate the number of the office he seeks.

Qualifications for office are the same as those for voting, but before a judge may take the oath of office he must satisfy the county clerk that he is either (a) an attorney authorized to practice law in Montana, or (b) a person who has held the office of justice of the peace within the

preceding five years, or (c) a person who has completed (if elected) or agreed to complete (if appointed) an orientation course held by the University of Montana School of Law. If a vacancy occurs in the office, it may be filled by appointment by the county commissioners.

Salaries of justices of the peace are set by resolution of the county commissioners, but they may not be reduced below statutory minimums. Prior to the adoption of the 1972 Constitution, most justices of the peace received the fees and fines exacted in their courts, plus statutory floors supporting a minimum compensation. The present minimums involve a computation based on prior compensation. If the previous salary of a justice of the peace was determined by fees, he may now receive a monthly compensation not less than one-eighteenth of the total fees collected by himself or his predecessor in 1971 and 1972. If the salary was formerly non-fee-based, he may be paid no less than the maximum received by himself or his predecessor for 1971 and 1972. All criminal and civil fees and fines received by a justice court must be turned over to the county treasurer, with the exception of certain "miscellaneous fees" (for marriages, authentication of documents, and the like), which the justice of the peace may retain.

Statutes have fleshed out the "dignified surroundings" constitutional mandate to require each board of county commissioners to furnish to local justices of the peace (a) the office, courtroom, and clerical assistance necessary, (b) books, records, and supplies necessary to keep the records and files of the office, (c) the latest edition of the Montana codes, and (d) all actual and necessary expenses.

B. The Operation of the Judicial Branch and the Administration of Justice

(1) Resources and Capabilities for Coordination, Planning, and Implementation

Recently, significant steps have been taken toward improving the resources and capabilities of the judicial branch for planning and implementation. Catalyst and focal point for the developments is the state court administrator, appointed by the SPA. With the establishment of an office for court administration, a vehicle became available for the exercise of the broad administrative supervisory authority of the state supreme court. In 1977, legislation was enacted which provided state funding for this position. Another factor in

the recently acquired ability to assess and improve judicial branch resources and capabilities has been a broad-based coordination of judicial branch efforts with courts-related activities originating in other branches of government and in the citizen sector.

Initial priorities centered on the immediately feasible, and beginnings were made in the following specific areas of courts operations.

a. Administrative unification of Montana courts:

By administrative action and court order, the processing of claims and grants at appellate and trial court levels was centralized and expedited, the satellite committee and commission structure of the judicial branch was invigorated, liaison and communication among courts personnel and between the judicial branch and the other branches of government were improved, and a basis for uniform recordkeeping and accounting was instituted for justice courts.

Also enacted in 1977 was legislation through which the state assumed the financial obligation of the Supreme Court administrator. The legislature also defined his duties to include the preparation and presentation of the judicial budget; the collection, compilation, and reporting of judicial statistics; the authority to recommend any improvements to the judicial system; and, any other duties the Supreme Court may assign. The position was also strengthened by requiring all court officers to comply with any requests made in the above areas.

b. The establishment of a judicial information system at the trial court level:

In 1976, the office of the court administrator, with the cooperation of the Association of Clerks of Court, launched an experimental effort to establish a case-by-case reporting system for courts of general jurisdiction. It is anticipated that the form design, reporting procedures, and the collation and analysis of judicial statistics will be modified on the basis of experience.

This initial data-gathering effort was directed primarily at the production of statistical reports of courts operation for consideration by the legislature in connection with judicial budget requests. The development of a judicial information system to serve the needs of court policy-making and management is conceived as a continuing effort.

In addition to the fledgling information system in the courts, substantial data on courts operations has been collected by the SPA, the research staff of the Legislative Council and the Commission on Local Governmentss. The Legislative Council and the Commission on Local Governments conducted one-shot studies which provided useful baseline data for continuing information collection and analysis. Clerks of court report information about criminal case dispositions to the SPA on a case-by-case basis. It is hoped that, as an information system is perfected, the court administration effort and that of the SPA may be merged into a single activity that will serve the needs of both agencies.

c. Planning for improved in-service court-related education and training.

From 1969 through mid-1975, the SPA funded 35 trips by justices, judges and justices of the peace to out-of-state training seminars or courses. Most of those attended by appellate and trial judges were in connection with the Five-State Judicial Conference or dealt with subjects related to juvenile justice. In addition, inter-disciplinary workshops on juvenile justice were held in Montana, the SPA funded the first annual training sessions for judges of courts of limited jurisdiction, and some training was extended to clerks of court in connection with SPA reporting.

d. Planning for increased support services for court operation.

A study of redistricting by the Legislative Council interim Subcommittee on the Judiciary pointed out the need for support services for district court judges rather than significant necessities for re-aligning districts or creating additional judgeships.

Needs in the area of legal research assistance are partially addressed by a Legal Information Center at the law school (MONTCLIRC) which responds to inquiries about criminal law and procedure posed by judges, prosecutors, and defenders. MONTCLIRC is funded by a LEAA discretionary grant.

(2) The Supreme Court - Resources and Capabilities

As previously noted, the Court has broad administrative and procedural powers over bench and bar. Among its other responsibilities, it is the final authority regulating the conduct of lawyers and judges. Within the past decade, the Court has adopted canons of judicial and professional ethics.

Acting upon recommendations of the Commission on Practice, it has found reason in the last two years to disbar two lawyers. In 1974, the Court issued an order unifying the Montana bar effective July 1, 1975.

The Court has participated in recent years in updating and codifying the criminal statutes and the rules of criminal, civil, and appeallate procedure, and has sponsored a study of rht lower courts, a codification of rules of evidence, and the clearing of long-pending probates. Administrative measures and trends are discussed in the section on the office of the Court Administrator.

a. Facilities

The Supreme Court and the State Law Library are housed on one floor of a wing of the Capitol. The courtroom is a former Senate chamber, circular, with a visitor's gallery. Each justice has an office. Law clerks usually must share offices. There is a copeir and other basic office equipment. Space is available for two or three secretaries.

The State Law Library contains approximately 55,000 volumes housed in an area designed for a much smaller collection. Older Reporters, treatises, etc., are stored in the Capitol basement. Workspace for researchers and the practicing bar consists of eight tables in the center of the stacks. The area is not air conditioned. A copier is available. The offices of the librarian and those of several law clerks abut the library.

The Clerk of the Supreme Court is housed in two rooms on another floor of the Capitol.

b. Manpower

The personnel of the Court proper includes the chief justice, four associate justices, eight law clerks, a law librarian, and two secretaries. The chief justice receives $37,000 in annual salary. Associate justices are paid $36,000. All participate in the judicial retirement plan. The justices are the lowest-paid members of a court of last resort in the nation.

Law clerks are employed on an annual basis at about $13,500. A clerk may stay for two years, but a single year's clerkship is more common. Traditionally, allowance has been made for one clerk per justice, but in the increase in caseload in 1975-76 (detailed below) prompted the Court (with funding assistance from the SPA) to employ two additional clerks.

The Court's legal secretaries are long-term employees, compensated at the local rate.

The office of the Clerk of the Supreme Court is staffed by three persons: the clerk, a deputy clerk, and a secretary. Statute requires that the clerk is to be elected to a six-year term at a salary of $20,000.

In 1976, the Law Librarian was paid $18,000. Upon the retirement of a long-term librarian, a new librarian was hired. The Court required a degree in library science and some law library experience. In the past, the librarian has been responsible for issuing the State Reporter, a bi-weekly compendium of recent rulings. At present, the Reporter is issued by a private concern. The law librarian has one full-time secretary and part-time help is available.

c. Workload

The caseload of the Supreme Court has been increasing slowly over the past five years, as is shown in Table B-1. Illustration B-1 shows the distribution of Supreme Court case filings in calendar 1976.

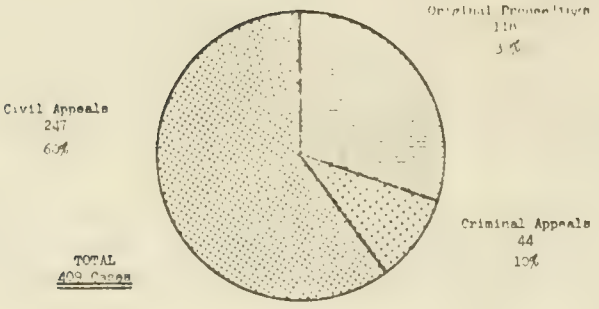
Table B-1
Proceedings Filed
Supreme Court of Montana
Original Actions, Civil Appeals, Criminal Appeals
Calendar 1971 - 1976

	Original Proceedings	Civil Appeals	Criminal Cases	Yearly Totals
1971	62	111	24	197
1972	69	145	22	236
1973	85	124	30	239
1974	83	155	31	269
1975	113	149	37	299
1976	118	247	44	409
TOTALS	530	931	188	1649

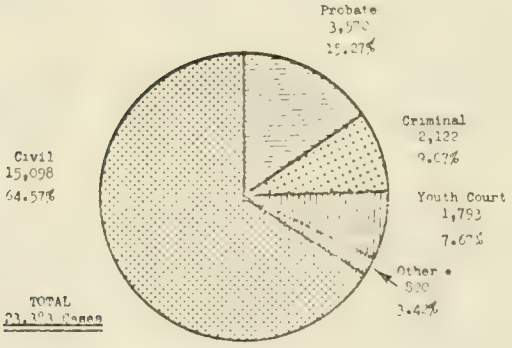
Appeal in Montana is a matter of right. The number of appeals has increased in both the civil and criminal categories. The percentage of criminal appeals heard to total appeals taken has stayed very much the same over the past five years; i.e., in the 11% to 12% range.

Illustration B-1

Distribution of Supreme Court Case Filings Calendar 1976

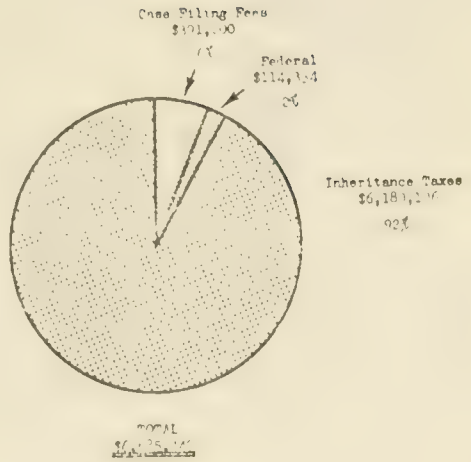


Distribution of
District Court Case Filings
Fiscal 76



*The Other category total (estimated), which consists of mental health hearings, change of name petitions, gun permits, warrants for distraint, transcripts of judgment, and abstracts of judgment have been included in the total of 23,393, but have not been included in the case distribution table.

Illustration B-2
Supreme Court Revenues



Inheritance Taxes		(Probate Actions)
$6,181,126		(To state general fund)
Case Filing Fees		(District & Supreme Court)
$301,000		
	$203,250	(To counties & state general fund)
	$ 97,750	(To judges retirement)
Federal Revenue		
$114,334		
	$ 64,334	(To state)
	$ 50,000	(To counties)

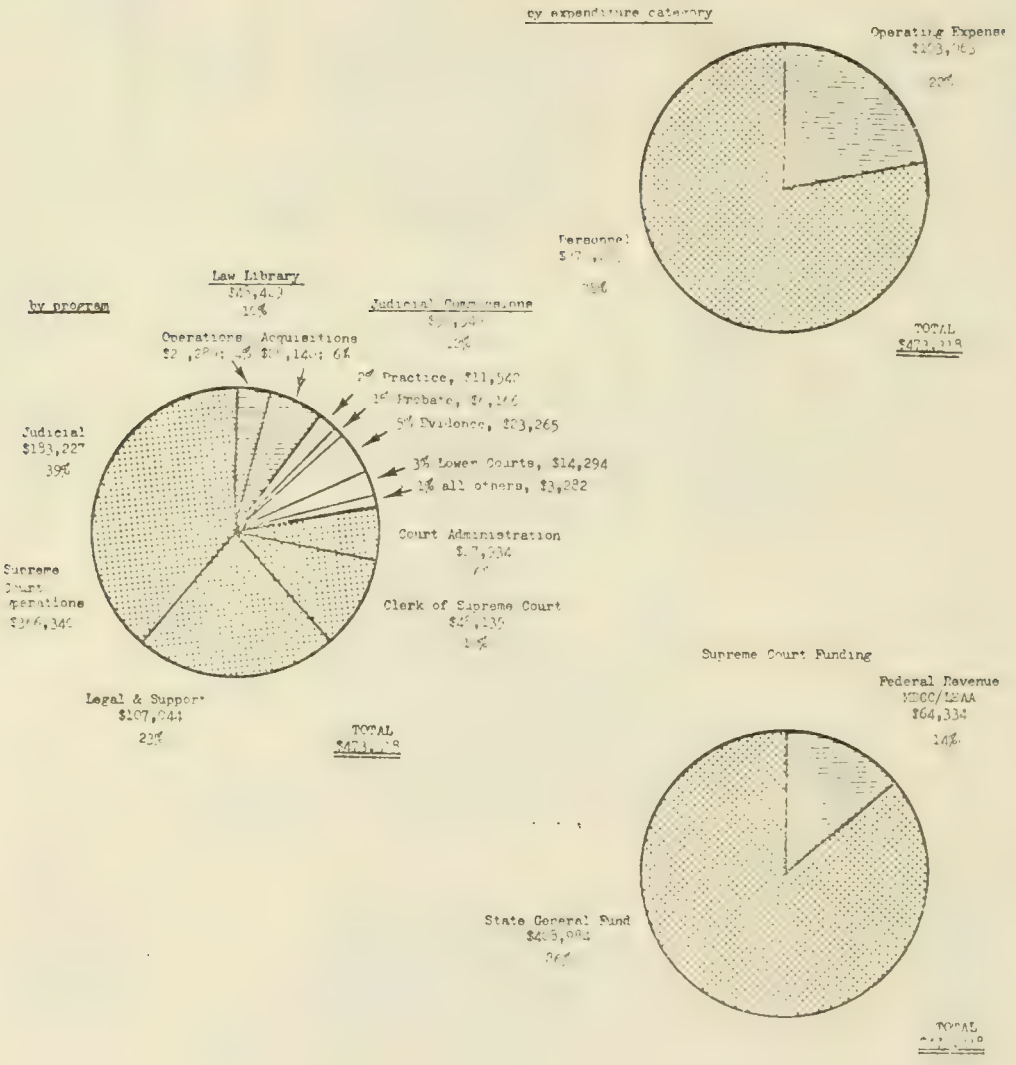
Table B-2
Supreme Court Costs
FY 76

	Salaries & Benefits	Operating Expenses	Total Programs		Federal Support
Supreme Court Operations					
Judicial	152,620	30,607	183,227	39%	469
Legal & Support Services	100,938	6,206	107,144	23%	3,363
Clerk of the Supreme Court	41,709	6,307	48,016	10%	
Court Administrator	20,727	7,197	27,924	6%	24,110
TOTAL	315,993	50,347	366,340	77%	27,942
Judicial Commissions					
Practice	6,815	4,727	11,542	3%	
Bar Examiners		1,737	1,737		
Sentence Review		667	667		
Probate	5,235	991	6,226	1%	
Evidence	17,970	5,297	23,267	5%	21,336
Lower Courts	3,953	10,744	14,697	3%	11,040
Judicial Nominations		300	300		
Judicial Standards		913	913		106
TOTAL	33,973	24,576	58,549	12%	32,482
Law Library	20,299	28,140	48,439	11%	
TOTAL	20,299	28,140	48,439	11%	
GRAND TOTAL	370,265	103,063	473,328		60,424
	78%	22%	100%		14%

Supreme Court Funding
FY 76

State General Fund	409,904	86%
Federal Revenue: MBCC/LEAA	63,424	14%
TOTAL	473,328	100%

Illustration B-3
Supreme Court Costs FY76



d. Cost data

For fiscal 1976, the legislature appropriated $345,900 for salaries, wages, maintenance, and operation of the Court and the Office of the Clerk of the Supreme Court. Of this amount, the Court reverted approximately $40,000 to the state general fund. LEAA grants to the Court for operation of the office of court administration and for the employment of an additional law clerk totaled about $39,000 .

The legislative appropriation for the operation of the Court for fiscal 1977 is $360,919. LEAA grants to the Court in 1977 totaled about $133,000. There was no reversion in 1977. Legislative appropriations for 1978 are $560,498 for Supreme Court operations; for 1979 they are $619,087.

(3) Office of the Court Administrator -- Resources and Capabilities

Judicial administration was initiated in Montana in September, 1975, with the appointment of a court administrator by the chief justice. The position was funded by the SPA until early 1977. The 1977 legislature has assured the funding of the program.

a. Facilities

The office of the court administrator is a one-room vestibule or reception area adjacent to the courtroom of the supreme court and to the chambers of the justices. It is equipped with three desks, chairs, a typewriter, a microfilm reader, bookcases, and files.

b. Manpower

The administrative staff is made up of the administrator, four full-time assistants, and two secretary/statistical clerks. Beginning salary ofr the administrator was $14,000. Initially, the assistant received $10,000. Compensation for all positions has been increased recently. No specific requirements for education or experience were initially established. The current administrator has a bachelor's degree, considerable graduate work in history and public administration, and accounting and auditing experience.

(4) The Sentence Review Board

Any person sentenced to one year or more in the state prison may apply for review of the sentence by the Sentence Review Division of the Supreme Court. The Review Division comprises three district judges appointed by the chief justice, and an additional judge who may be designated to sit at a review hearing if the sentence to be reviewed was imposed by one of the judges serving on the division.

Upon application in conformity with certain procedures, a sentence will be reviewed once as a matter of right. Hearings are held at the prison at least four times a year by the Division. Prisoners are entitled to be represented by counsel. Third-year students from the school of law at the University of Montana receive course credit for such representation.

When the Division receives a request for review, the sentencing judge and county attorney from the county where the sentence was imposed are notified. The judge may transmit his reasons for imposing the sentence. The county attorney may represent the state at the hearing. The Division may impose any sentence that was available to the original trial judge. It may reduce or increase the penalty or allow the sentence to stand, and may order the sentencing judge to revise the sentence according to its recommendations. A decision of the Sentence Review Board may be made by any two of the judges at a hearing, and the decision is final and may not be appealed.

(5) The District Courts -- Resources and Capabilities

a. Jurisdiction

Constitutionally, the district courts are established as courts of general jurisdiction with exclusive jurisdiction over felonies. Statutorily, they also have exclusive jurisdiction over a significant portion of all civil and criminal proceedings, including most juvenile and family matters, probate, gambling violations, drug laws, commitment proceedings, review of administrative procedures and final orders, and the adjudication of water rights. In each of these areas, as well as in criminal law and procedure, the statutes have been extensively modified since 1970. Often the modifications have been based on uniform or model codes.

Appellate jurisdiction over lower court segments or verdicts is in the district courts. Such appeal is a matter of right upon conviction of a misdemeanor and must be a trial de novo.

b. Facilities and Equipment

Each of the 56 counties has a courthouse containing a district courtroom, chambers, a jury room, an office of the clerk of the court, and usually some elements of a law library.

All but four judicial districts encompass more than one county, and it is usual for judges and their court reporters to reside in the most populous county in the district. These home counties are likely to have better court facilities than outlying counties.

A review of SPA grants shows that many courtrooms have public address systems; some are air-conditioned; probably none has audio-transcribing equipment; at least one has a capability for videotaping. Modern office equipment, such as memory typewriters, word processing equipment, or copiers, is rarely available to court personnel. Facilities for jurors and witnesses are minimal or inadequate, as are most county law libraries. Two new courthouses are under construction, and at least one is in the final stages of extensive remodeling.

Judges generally ride circuit in their private automobiles, with mileage reimbursed by the state.

c. Manpower

1. District Judges

There are 29 district judges serving 19 judicial districts. Their annual salaries are fixed statutorily at $35,000, the lowest in the United States for judges of trial courts. Judges' salaries, travel and per diem expense, and contributions to the judicial retirement fund are paid by the state. Although they are elected to six-year terms, an incumbent judge standing for re-election is seldom defeated (in fact, seldom opposed) and no judge has yet been unseated in a retention election.

2. Court Reporters

Each district judge appoints a court reporter who serves at his pleasure. The court reporter also rides circuit in multi-county districts. There are no statutory qualifications for the position.

The code provides that a judge may fix a court reporter's salary within a $12,500 to $16,000 range. Only one court reporter currently receives less than the maximum allowable salary. Salary and travel expense are included in the costs apportioned by the judge among the counties of the district. Court reporters are uniformly permitted to supplement their salaries with fees received for taking depositions, preparing transcripts, etc. Some court reporters act as secretaries and/or administrative assistants for their judges. Seven of the 29 court reporters are women.

3. Clerks of District Courts

A clerk is elected to a four-year term in each of the 56 counties. No qualifications are required for candidacy beyond local voter registration. Montana codes require that clerks keep an index book, a minute book, probate and guardianship records and proceedings, naturalization records, a register of criminal actions, an index of "persons sent to the insane asylum," accounts of fees received, records of jurors and witnesses, and indices to court records and bonds.

Salaries of clerks of court are to be fixed by the county commissioners from statutory tables of compensation according to population and taxable valuation of the county. Minimum annual compensation for clerks in counties of the lowest population and taxable valuation is $8265. Maximum compensation is in the $16,000 range.

Clerks may appoint deputies, whose salaries are also fixed by the county commissioners at an amount not to exceed 90% of the salary of the clerk. Numbers of deputies range from one (typical of sparsely populated counties) to nine in Montana's most urban county. No state total of deputy clerks is currently available. Eleven of the 56 clerks of court are men.

4. Other Administrative and Research Support Personnel

A few trial court judges employ personal secretaries; most do not. As noted previously, it is relatively common for court reporters to function as secretaries or administrative assistants.

Three trial court judges now employ full-time law clerks. Four others have had law interns in summer months (funded by grants from the SPA). There were no interns last year but the 1977 Legislature funded a new program to begin in 1978.

d. Workload

The section on jurisdiction (5a above) indicates that workload is not a direct function of caseload for trial judges. Other factors to be considered in workload include kinds of cases to be decided, number of procedures required, newness of relevant law, complexities of fact problems, contested or ex parte proceedings, time required for travel of the circuit, amount of administrative detail to be handled, and resources and time needed for legal research and continuing education. Almost nothing is known currently about workload of other courts personnel. Presumably, it reflects judicial workload.

Data on district court workload is presented in the following:

1. Map of Montana judicial districts (illustration B-4)
2. Table B-3 and illustration B-5 showing the most recent collection of district court caseload data
3. Tables B-4, B-5, and B-6 illustrating dispositions of criminal cases by district courts in 1975

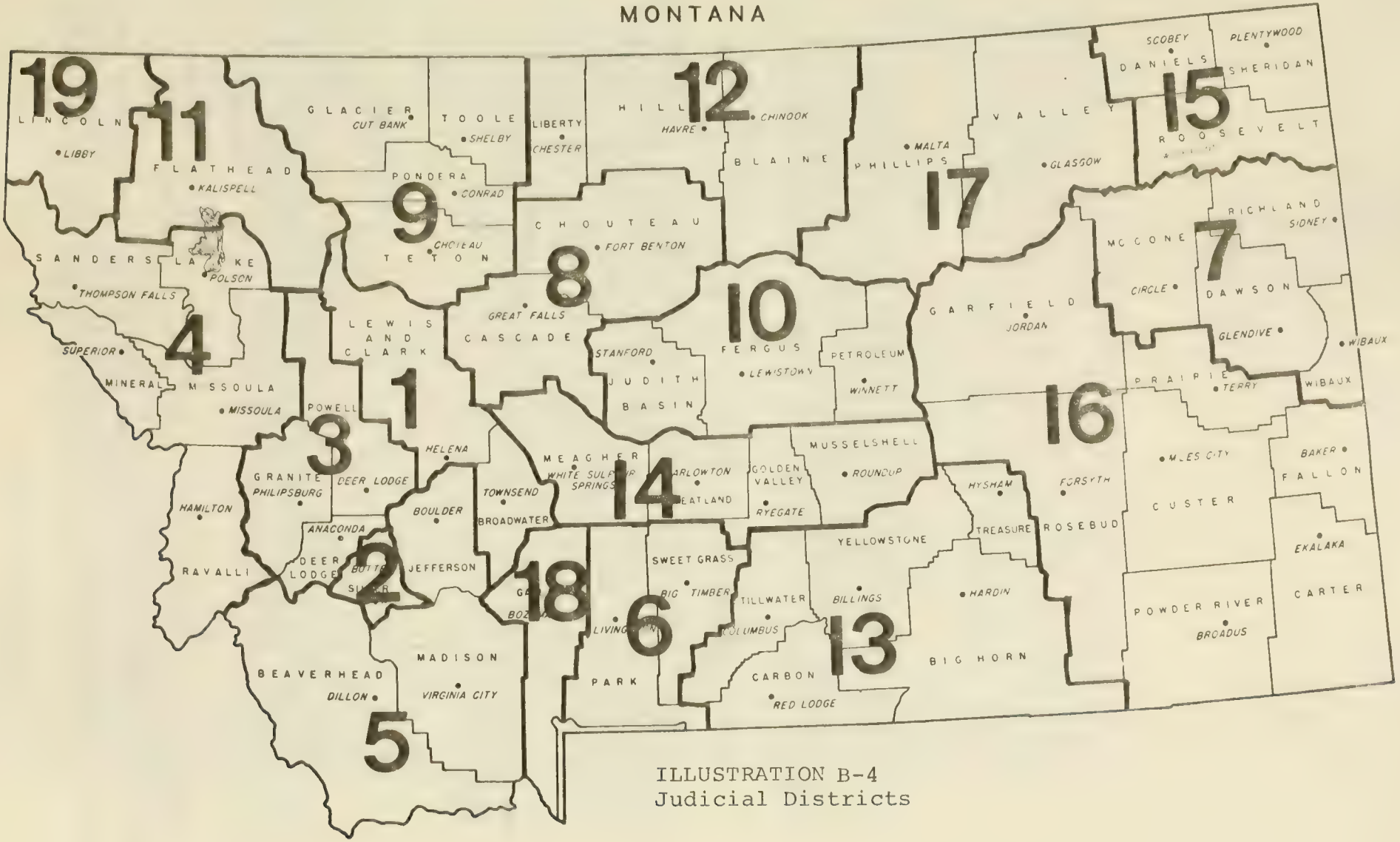


ILLUSTRATION B-4
Judicial Districts

Table B-3
Casefilings by District

District	No. Judges	1960	1964	1970	1974	1976	1977*
1	2		708		1340	1738	1835
2	2	986	1017	1058	1295	1240	1309
3	1	634	586	691	640	591	624
4	3		1471		2803	3604	3805
5	1	277	290	395	449	563	594
6	1	343	245	273	396	569	601
7	1	542	744	513	569	630	665
8	3	2341	2956	1665	2910	3219	3398
9	1	673	643	787	646	732	772
10	1	207	293	257	301	519	548
11	2	793	1063	1664	2049	1717	1813
12	1	681	586	524	699	668	705
13	3	2205	2634	2867	3599	3721	3928
14	1	228	209	204	218	250	264
15	1	305	331	309	316	426	450
16	2	460	498	495	591	1000	1056
17	1	336	492	454	374	424	448
18	1	595	621	798	966	972	1026

*projected

Illustration B-5

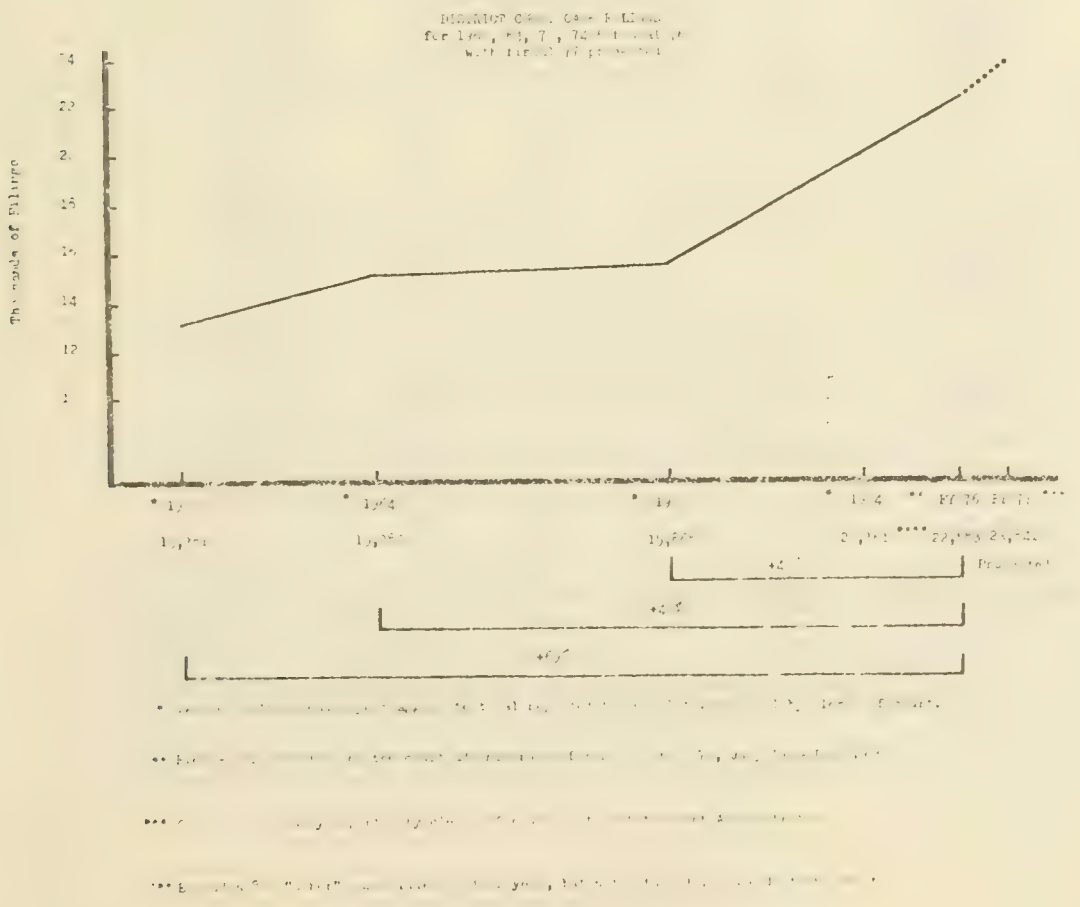


Table B-4
Statistical Study for
Calendar Years 1964-1974 (Filings)
Fiscal Years 1976-1977 (Filings & Dispositions)

District (Judges)	Calendar 1964* Filed	Calendar 1974* Filed	Fiscal Yr. 76 ** Filed	Fiscal Yr. 76 ** Disposed	Projected Fiscal Yr. 77 *** Filed	Projected Fiscal Yr. 77 **** Disposed
1st (2)	708	1,340	1,738	1,075	1,835	
Lewis & Clark	632	1,230	1,606	999	1,695	
Broadwater	76	110	132	76	140	
2nd (2)	1,017	1,295	1,240	663	1,309	
Silver Bow						
3rd (1)	586	640	591	380	624	
Powell	146	195	206	143	217	
Granite	76	53	35	28	40	
Deer Lodge	364	392	347	209	367	
4th (3)	1,471	2,803	3,604	2,305	3,805	
Missoula	877	1,907	2,442	1,653	2,577	
Mineral	68	80	69	37	73	
Lake	366	587	407	231	430	
Ravalli	322	552	461	275	487	
Sanders	75	204	225	109	238	
5th (1)	290	449	563	337	594	
Beaverhead	116	148	253	161	267	
Jefferson	62	151	166	101	175	
Madison	112	150	144	75	152	
6th (1)	245	396	569	357	601	
Park	202	336	455	275	481	
Sweet Grass	43	60	114	82	120	
7th (1)	744	569	630	410	665	
Dawson	238	291	338	210	357	
McCone	32	30	21	21	22	
Richland	458	211	235	161	247	
Wibaux	16	28	36	18	38	
8th (3)	2,956	2,910	3,219	2,199	3,398	
Cascade	2,782	2,756	3,054	2,108	3,224	
Choutcau	174	154	165	91	174	
9th (1)	643	646	732	425	772	
Teton	97	82	135	69	143	
Pondera	84	82	121	61	128	
Toole	191	119	186	100	197	
Glacier	281	364	290	192	306	
10th (1)	293	301	519	323	548	
Fergus	244	269	464	290	490	
Judith Basin	36	24	50	30	53	
Petroleum	13	8	5	3	5	

Table B-4 (Continued)
Statistical Study for
Calendar Years 1964-1974 (Filings)
Fiscal Years 1976-1977 (Filings & Dispositions)

District (Judges)	Calendar 1964* Filed	Calendar 1974* Filed	Fiscal Yr. 1976** Filed	Fiscal Yr. 1976** Dispositions	Fiscal Yr. 1977 *** Filed	Fiscal Yr. 1977 **** Dispositions
11th (2)	1,063	2,049	1,717	1,273	1,813	
Flathead	854	1,579	1,226	756	1,234	
Lincoln	209	470	491	517	579	
12th (1)	536	699	668	471	706	
Liberty	27	41	30	23	38	
Hill	388	503	439	279	434	
Blaine	121	155	199	79	168	
13th (3)	2,634	3,599	3,721	2,214	3,820	
Yellowstone	2,059	2,927	3,019	1,811	3,107	
Big Horn	209	301	287	166	282	
Carbon	196	238	244	137	257	
Stillwater	64	114	144	100	102	
Treasure	17	29	47	19	50	
14th (1)	209	218	250	148	264	
Meagher	81	33	60	29	63	
Wheatland	53	81	36	33	38	
Golden Valley	12	16	17	7	18	
Musselshell	63	88	137	79	145	
15th (1)	331	316	426	261	450	
Roosevelt	184	177	249	136	263	
Daniels	71	50	60	28	72	
Sheridan	76	71	109	97	115	
16th (2)	498	591	1,000	644	1,036	
Custer	260	274	489	349	510	
Carter	26	19	45	16	48	
Fallon	75	74	110	49	116	
Prairie	19	13	30	7	32	
Powder River	22	14	60	15	63	
Garfield	20	18	13	10	14	
Rosebud	76	174	253	176	267	
17th (1)	492	374	424	263	448	
Phillips	68	88	138	87	146	
Valley	424	296	286	176	302	
18th (1)	621	966	972	652	1,030	
Gallatin						
TOTALS	15,387	20,161	22,282	14,127	23,841	

* Collected by Legislative Council, from reports submitted by clerks of court

** Field collected data reported by state court administrator

*** Projection based on comparative filings between first half of FY76 & 77 at a % change of 5.57

**** Lacking past dispositions, we felt we could not accurately project the dispositions for FY77

Table B-5

Statistical Breakdown Relating to Filings and Dispositions

For Fiscal Year 1976

District (Judges)	Criminal		Civil		Youth		Probate		Total	
	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed
1st (2)	160	117	1,221	740	148	136	209	82	1,739	1,075
Lewis & Clark	139	100	1,139	692	144	133	184	74	1,606	999
Broadwater	21	17	82	48	4	3	25	8	132	76
2nd (2)	68	51	872	510	97	69	203	33	1,240	663
Silver Bow										
3rd (1)	74	66	357	226	65	47	95	41	591	380
Powell	39	35	112	73	21	16	34	19	206	143
Granite	6	6	29	19	2	2	1	1	38	28
Deer Lodge	29	25	216	134	42	29	60	21	347	209
4th (3)	402	334	2,456	1,620	282	227	464	124	3,604	2,305
Missoula	232	198	1,794	1,222	169	143	247	90	2,442	1,653
Mineral	15	14	46	16	4	4	4	3	69	37
Lake	49	42	223	148	43	32	92	9	407	231
Ravalli	58	43	275	169	53	42	75	21	461	275
Sanders	48	37	118	65	13	6	46	1	225	109
5th (1)	49	43	309	139	44	41	161	64	563	337
Beaverhead	11	10	136	92	29	27	77	32	253	161
Jefferson	23	18	96	55	10	9	37	19	166	101
Madison	15	15	77	42	5	5	47	13	144	75
6th (1)	47	37	378	238	42	31	102	51	569	357
Park	33	25	322	198	29	18	71	34	455	275
Sweet Grass	14	12	56	40	13	13	31	17	114	82
7th (1)	57	51	373	266	47	41	153	52	630	410
Dawson	42	41	217	137	21	18	58	14	338	210
McCone	--	--	13	13	--	--	8	8	21	21
Richland	15	10	132	107	17	16	71	28	235	161
Wibaux	--	--	11	9	9	7	16	2	36	18

District (Judges)	Criminal		Civil		Youth		Probate		Total	
	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed
8th (3)	154	108	2,409	1,749	255	164	401	178	3,219	2,199
Cascade	143	104	2,333	1,691	249	158	329	155	3,054	2,108
Choteau	11	4	76	58	6	6	72	23	165	91
9th (1)	78	68	402	283	55	46	197	28	732	425
Teton	15	11	65	43	9	8	36	6	125	68
Pondera	8	6	60	45	13	13	40	1	121	65
Toole	26	22	87	61	7	5	66	12	186	100
Glacier	29	29	190	134	26	20	45	9	290	192
10th (1)	58	52	280	168	65	55	116	50	519	325
Fergus	54	49	253	148	60	50	97	43	464	290
Judith Basin	4	3	25	18	3	3	18	6	50	30
Petroleum	--	--	2	2	2	2	1	1	5	5
11th (2)	271	193	1,157	774	87	69	202	42	1,717	1,078
Flathead	193	125	843	556	41	38	143	37	1,220	756
Lincoln	78	68	314	218	46	31	59	5	497	322
12th (1)	48	39	350	246	96	76	184	28	678	389
Liberty	4	4	19	14	2	2	25	3	50	23
Hill	33	24	267	194	59	53	100	4	459	275
Blaine	11	11	64	38	25	21	59	3	159	91
13th (3)	348	301	2,684	1,622	232	155	457	106	3,721	2,184
Yellowstone	288	261	2,220	1,374	207	132	391	101	3,106	1,868
Big Horn	20	15	192	127	16	14	39	1	267	157
Carbon	19	13	169	107	--	--	56	18	244	138
Stillwater	16	16	73	45	6	6	49	33	144	100
Treasure	5	3	30	19	3	3	9	4	47	29

Table B-5 (Continued)

Statistical Breakdown Relating to Filings and Dispositions

For Fiscal Year 1976

District (Judges)	Criminal		Civil		Youth		Probate		Total	
	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed
14th (1)	21	14	155	98	19	16	55	20	250	148
Meagher	--	--	40	23	--	--	20	6	60	29
Wheatland	8	5	23	23	--	--	5	5	36	33
Golden Valley	--	--	12	5	--	--	5	2	17	7
Musselshell	13	9	80	47	19	16	25	7	137	79
15th (1)	23	15	237	167	31	30	135	39	426	251
Roosevelt	19	12	157	116	20	19	53	9	249	156
Daniels	3	2	23	9	7	7	35	10	68	28
Sheridan	1	1	57	42	4	4	47	20	109	67
16th (2)	117	107	568	395	117	107	198	35	1,000	644
Custer	50	47	275	216	88	80	76	6	489	349
Carter	4	4	19	12	--	--	22	-0-	45	16
Fallon	17	13	65	34	3	2	25	-0-	110	49
Prairie	1	-0-	20	5	2	2	7	-0-	30	7
Powder River	14	14	27	16	3	3	16	2	60	35
Garfield	1	1	5	4	--	--	7	7	13	12
Rosebud	30	28	157	108	21	20	45	20	253	176
17th (1)	51	40	214	145	47	34	112	44	424	263
Phillips	14	12	60	42	17	15	47	18	138	87
Valley	37	28	154	103	30	19	65	26	286	176
18th (1)	96	90	676	457	74	70	126	35	972	652
Gallatin										
TOTALS	2,122	1,726	15,098	9,893	1,793	1,414	3,570	1,094	22,583	14,127

Table B-6

CASES DISPOSED IN MONTANA DISTRICT COURT
BY OFFENSE
1976

Crime	Total	No Conviction		Convicted		Percent Distribution*					
						Not Convicted			Convicted		
		Dismiss	Acquit	Pled Guilty	Found Guilty	Total (%)	Dismiss	Acquit	Total (%)	By Plea	By Trial
Homicide											
Negligent	17	3	4	4	6	41.1	17.6	23.5	58.8	23.5	35.3
Deliberate	8	0	1	7	0	12.5	-	12.5	87.5	87.5	-
Rape											
Intercourse without consent	20	3	1	15	1	20.0	15.0	5.0	80.0	75.0	5.0
Robbery	51	5	0	44	2	9.8	9.8	-	90.2	86.3	3.9
Assault	129	40	11	68	10	39.5	31.0	8.5	60.5	52.7	7.8
Burglary	246	31	0	211	4	12.6	12.6	-	87.4	85.8	1.6
Theft	294	57	5	220	12	21.1	19.4	1.7	78.9	74.8	4.1
Checks, Cards Forgery	128	24	1	100	3	19.6	18.8	.8	80.4	78.1	2.3
Drugs	579	103	0	461	15	17.8	17.8	-	82.2	79.6	2.6
Not Otherwise Classified	(326** Breakdown not computed)										
TOTAL	1472	266	23	1130	53	19.7	18.1	1.6	80.4	76.8	3.6

* Total %'s may not equal 100% due to round-off.

** Not in "Total"

e. Cost Data

The state legislative appropriation for district court operation was $850,860 for fiscal 1976 and is $858,060 for fiscal 1977. These amounts cover judges' salaries, travel, and per diem, and the state contribution to the judges' retirement fund. This represents a substantial increase over state expenditure for trial courts in fiscal 1974, which was pegged by Expenditure and Employment Data for the Criminal Justice System 1974 at $622,000. Tables B-7 and B-7a show distribution costs for FY 1976. Appropriations for 1978 are $1,175,688 and for 1979 are $1,181,194. Both are substantial increases.

Illustration B-6 shows district court costs for the 18 judicial districts in FY76 by expenditure category and program, and source of funding.

Table B-8 shows district court expenditures for 1976 per capita by district and county.

Table B-7

District Court Costs
18 Judicial Districts
FY 76

	Salaries & Benefits	Operating Expenses	Program Total	
Judicial Program	774,256	57,859	832,115	17%
Support Services Program (includes court reporters, bailiffs, some research, some secretarial)	595,499	55,847	651,346	13%
Youth Court Probation	745,602*	177,054	922,656	19%
Clerks of Court	1,344,567	193,917		
Juries		209,200		
Witnesses		38,485		
Capitol		27,478		
Other		93,311		
			1,906,958	38%
Defense				
Assigned counsel*		254,664		
Defender services**		375,207		
Mental health hearings		34,472		
			664,343	13%
Total FY 76	3,459,924*	1,517,494	4,977,418	100%
	70%	30%	100%	

*Not all county clerks of court clearly broke out salary v. operating expenses, so these figures may be overstated.

**Reported by Montana Defender Study

Table B-7a

District Court Funding
FY 76

State General Fund	831,105	17%
56 Counties' General Funds	4,096,313	82%
Federal Revenue Funds(est)***	50,000(est)	1%
	4,977,418	100%

Illustration B-6

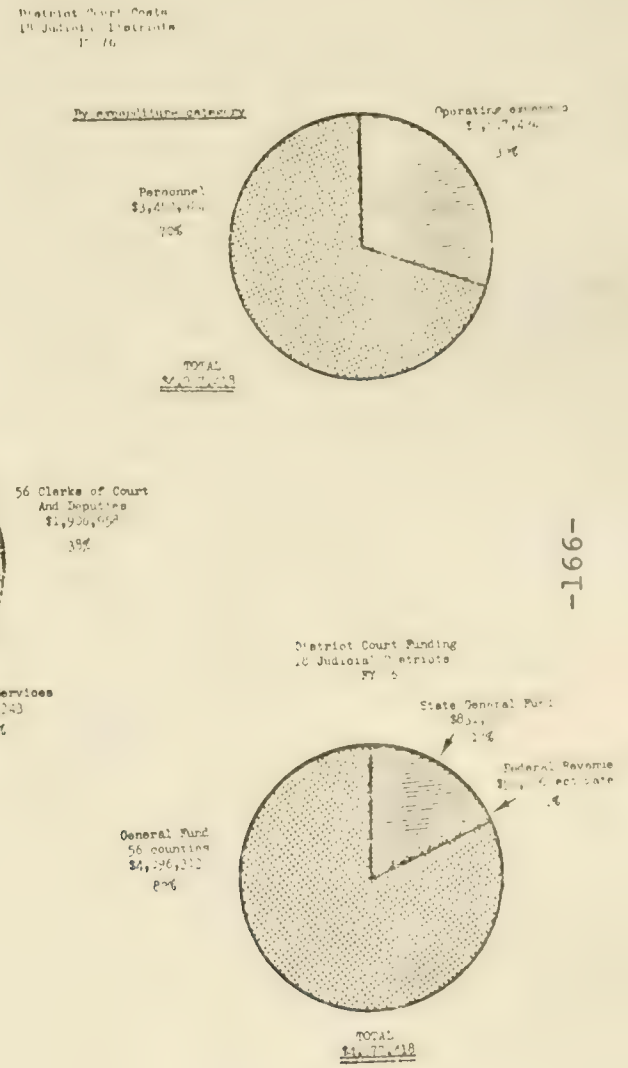


Table B-8
District Court Expenditures, 1976:
Per Capita Costs by District and by County

District	County	1976 **Population	1976 Dollar Expenditures	Per Capita
1	Broadwater	2,743	18,517	6.75
	Lewis & Clark	36,142	220,160	6.09
	TOTAL	38,884	238,677	*6.13
2	Silver Bow	41,981	146,198	*3.48
3	Powell	7,401	39,676	5.36
	Granite	3,000	17,424	5.80
	Deer Lodge	14,888	45,797	3.08
	TOTAL	25,289	102,898	*4.07
4	Lake	16,651	39,792	2.39
	Mineral	3,428	15,108	4.41
	Missoula	66,600	145,798	2.19
	Ravalli	20,000	44,412	2.22
	Sanders	10,000	20,004	2.00
	TOTAL	116,679	265,114	*2.27
5	Beaverhead	8,000	47,974	5.92
	Jefferson	7,150	38,826	5.43
	Madison	5,681	33,990	5.98
	TOTAL	20,931	120,790	*5.77
6	Park	12,500	47,662	3.81
	Sweet Grass	2,938	19,190	6.53
	TOTAL	15,438	66,852	*4.33
7	Dawson	14,000	42,411	3.02
	McCone	2,799	18,487	6.60
	Richland	9,501	30,809	3.24
	Wibaux	1,469	15,568	10.59
	TOTAL	27,769	107,275	*3.86
8	Cascade	82,961	241,695	2.91
	Chouteau	6,450	35,229	5.46
	TOTAL	87,411	276,924	*3.17
9	Glacier	11,362	38,113	3.35
	Pondera	6,758	28,971	4.29
	Teton	6,500	26,642	4.10
	Toole	5,289	34,184	6.46
	TOTAL	29,909	127,910	*4.27

Table B-8 (Continued)

District	County	1976 **Population	1976 Dollar Expenditures	Per Capita
10	Fergus	12,635	44,600	3.53
	Judith Basin	2,645	214,985	5.67
	Petroleum	686	6,088	8.87
	TOTAL	15,966	65,673	4.11
11	Flathead	43,390	228,825	5.27
	Lincoln	15,476	76,361	4.93
	TOTAL	58,866	305,186	5.18
12	Blaine	6,660	28,272	4.25
	Hill	17,583	61,399	3.49
	Liberty	2,449	16,718	6.83
	TOTAL	26,692	106,389	3.99
13	Big Horn	10,676	26,981	2.53
	Carbon	7,541	40,059	5.31
	Treasure	1,175	8,857	8.39
	Stillwater	5,191	13,264	2.56
	Yellowstone	95,404	263,881	2.77
	TOTAL	119,987	354,042	2.95
14	Meagher	2,155	15,178	7.04
	Golden Valley	882	9,618	10.90
	Wheatland	2,539	18,568	7.31
	Musselshell	4,300	26,239	6.10
	TOTAL	9,876	69,603	7.04
15	Daniels	2,938	13,134	4.47
	Roosevelt	9,795	35,130	3.57
	Sheridan	5,289	23,200	4.39
	TOTAL	18,022	71,464	3.97
16	Carter	1,861	17,311	9.30
	Custer	13,006	55,178	4.24
	Fallon	3,918	28,311	7.23
	Garfield	1,567	10,457	6.67
	Powder River	2,253	23,284	10.33
	Prairie	1,752	9,653	5.50
	Rosebud	9,578	122,543	12.79
	TOTAL	33,935	266,737	7.86

Table B-8 (Continued)

District	County	1976 **Population	1976 Dollar Expenditures	Per Capita
17	Phillips	5,387	20,477	3.80
	Valley	13,027	58,554	4.49
	TOTAL	18,414	79,021	*4.29
18	Gallatin	45,000	144,850	*3.22
TOTALS				
18	56	753,000	2,915,603	*3.87

* Per Capita Average
**1976 Estimates

Source: Department of Community Affairs

(6) The Justice Courts -- Resources and Capabilities

On June 30, 1976, the U.S. Supreme Court (in North v. Russell, ___U.S.___, 44 LW 4443) permitted the continued use of lay judges in state lower courts that are not courts of record. This is only where an appeal from a misdemeanor conviction or guilty plea is a trial de novo in a state court where the presiding judge is a lawyer. The decision was grounded on interpretations of both the due process and equal protection clauses of the Fourteenth Amendment. Montana's current law and in-service training practices were cited by Chief Justice Burger, speaking for the majority, apparently to demonstrate sufficiency of state efforts in this regard.

The question now becomes whether the contemporary activities to initiate or upgrade recordkeeping and reporting by justice courts should, as a matter of policy, be limited to insure that the lower courts do not become courts of record, which seemingly would require law-trained judges. As noted in preceding sections, the 1972 Montana Constitution energized profound organizational changes in justice courts. Implementing legislation affected the number, location, facilities, records, personnel and jurisdiction of the justice courts, and the number, compensation, and training requirements of justices of the peace.

a. Facilities and Equipment

Court orders to county commissioners, upheld on appeal, have been required to gain compliance in some instances with the constitutional mandate that justice courts must be conducted in "dignified surroundings" and with the statutory enumeration of facilities, equipment, and personnel with which the courts must be provided. Even so, a survey of justices of the peace by the Commission on Lower Courts in 1975 showed that many needs remain.

Table B-9
Facilities and Equipment Needs
of Justice Courts

Reported Need	Number of JPs Reporting
Nothing needed	47
Office Space	10
Office Supplies	10
Courtroom	8
Court Bench	6
Office Furniture	6
All Facilities	4
Clerk	3

Table B-9 (Continued)

Reported Need	Number of JPs Reporting
Codes	3
Telephone	3
Flags	2
Jury Box	2
Books	1
Chambers	1
Curtains	1
Storage	1

b. Manpower

At last report (to the Commission on Lower Courts), 92 justice courts were established in Montana. Each of the 56 counties must have at least one such court, and statute permits a county commission to establish another.

There are no particular qualifications required of candidates beyond residency and voting registration. Questionnaires returned to the Commission on Lower Courts in 1975 by 84 JPs (compiled by the SPA) indicated levels of formal educational attainment. Nearly 15% of those reporting had less than a high school education.

Table B-10
Formal Educational Levels of Justices of the Peace

Highest Education Reported	Number Reporting	% Of TOTAL
Not Reported	14	16.7
Grade School	9	10.7
High School		
GED	2	2.4
REG	37	44.0
Some College	7	8.3
College Degree	11	13.1
Some Graduate Work	2	2.4
Graduate Degree		
Law	2	2.4

The average annual compensation of JPs reporting in 1975 was $4078.26. The average annual compensation of the 19% who reported working full-time was $7973.75. Salaries ranged from $600 to $11,920 annually. JPs in the same county frequently received different amounts of compensation. In the county with the widest differential, one JP received $720, the other $5940. Otherwise, salary ranges (with a few exceptions) appear to bear a rough relationship to county population. Lower courts judges who are lawyers are not prohibited from the practice of law as are

district court judges.

Some justices of the peace in the more populous counties employ secretaries or clerks or both. Most have no administrative support personnel.

c. Workload

Currently there is no reliable information about caseloads in justice courts. Presumably, some data about criminal cases will begin to be available after the institution of reporting, which is still in the pre-implementation stage.

In responding to queries from the Commission on Lower Courts in 1975, JPs estimated the amount of time spent on the job. These estimates appear in Table B-11 below, as compiled by the SPA staff.

Table B-11
Estimates of Time Spent on Duties as Justices of the Peace

Time Spent	No. of JPs	Percent of JPs Reporting
Not reported	27	37.1
Full-time(160 hrs/mo)	16	19
"As needed"	11	13.1
100-160 hrs/mo	1	1.2
40 - 100 hrs/mo	14	16.7
Less than 40 hrs/mo	15	17.9

d. Cost data

The expenditure data in the following table was compiled by the Governor's Commission on Local Governments from the Annual Reports of the County Clerks to the Department of Community Affairs.

Table B-12
Justice Court Expenditures by County
FY 1974 and FY 1976

COUNTY	74 Per Capita Costs	76 Population	COUNTY	74 Per Capita Costs	76 Population
Beaverhead	.81	8,100	McCone	1.95	2,799
Big Horn	.66	10,676	Meagher	.60	2,155
Blaine	.68	6,660	Mineral	.83	3,428
Broadwater	1.17	2,743	Missoula	.60	66,600
Carbon	.97	7,541	Musselshell	.49	4,300
Carter	1.16	1,861	Park	.73	12,500
Cascade	.43	82,961	Petroleum	1.06	686
Chouteau	.56	6,450	Phillips	.21	5,387
Custer	.68	13,006	Pondera	.79	6,758
Daniels	.24	2,938	Powder River	1.29	2,253
Dawson	.87	14,000	Powell	.71	7,401
Deer Lodge	.81	14,888	Prairie	.73	1,752
Fallon	1.52	3,918	Ravalli	.44	20,000
Fergus	.53	12,635	Richland	.55	9,501
Flathead	.60	43,390	Roosevelt	1.05	9,795
Gallatin	.40	45,000	Rosebud	.87	9,578
Garfield	1.36	1,567	Sanders	.63	10,000
Glacier	.33	11,362	Sheridan	.35	5,289
Golden Valley	1.30	882	Silver Bow	1.21	41,981
Granite	1.08	3,000	Stillwater	.88	5,191
Hill	.48	17,583	Sweet Grass	1.05	2,938
Jefferson	1.28	7,150	Teton	.36	6,500
Judith Basin	1.07	2,645	Toole	.85	5,289
Lake	.68	16,651	Treasure	1.38	1,175
Lewis & Clark	.68	36,142	Valley	.64	13,027
Liberty	.57	2,449	Wheatland	.72	2,539
Lincoln	1.04	15,476	Wibaux	2.70	1,469
Madison	1.63	5,681	Yellowstone	.64	95,404

TOTAL POPULATION - 753,000

(7) Small Claims Courts and Municipal Courts

The 1975 Legislative Assembly enacted laws permitting the creation of small claims courts in counties and prescribing their jurisdiction. No such courts have yet been established and it seems unlikely that localities will greet the opportunity with enthusiasm as long as the statutory provisions dividing authority and responsibility for such courts between the county commissioners and the local district judge remain in force.

The legislation provides that small claims courts may be established and abolished by the commissioners (or by initiative), but that the judge of such a court would be appointed by the district judge, who would set the salary and at whose pleasure he would serve. Only a lawyer could be a judge of a small claims court. The court would have original and concurrent jurisdiction with the justice court in the county over all claims arising in contract not exceeding $1500. Neither party could be represented by an attorney in a controversy before the court unless both parties had counsel present. Informality is statutorily encouraged.

An appeal taken from a decision of a small claims court would be (as in the case with decisions of other lower courts) trials de novo in district court. If the commissions of more than one county in a judicial district should wish to establish a small claims court, the court could serve all of the district or any group of counties therein which had adopted such a resolution.

In 1977 the Legislature again set up a small claims court system. However, the new system is structured into the present Justice Court system, in which the present Justices of the Peace will act as judges in the small claims court. The legislation again provides that the court may be established by the county commission.

The court has jurisdiction over all actions for the recovery of money or specific personal property when the amount does not exceed $750. A party may not be represented by attorney unless all parties are also represented. All proceedings would be recorded and an appeal to the district court would not be a trial de novo, but would be limited only to questions of law.

A court has been created in Cascade County and begins operations on July 15, 1977.

In 1937, the Legislature made optional provision for "municipal courts" in cities with a population exceeding 20,000 and jurisdiction equivalent to that of a justice of the peace. The 1977 Legislature amended this law by reducing the population requirement to 10,000, making the jurisdiction equivalent to the city court, and by substantially changing many of the procedures of the court. The City of Missoula now has a municipal court.

(8) City Courts

As previously indicated, the 1972 Constitution (like its predecessor) delegates to the Legislature the power to establish courts not specifically named in the Constitution. The only operational courts to have been created under this power are the city courts, which until 1975 were called police courts. Not only was the name changed by the 1975 Legislature, but the jurisdiction of the courts was greatly expanded as well. The city courts now have civil and criminal jurisdiction commensurate and concurrent with that of the justice courts except in such areas as the holding of preliminary hearings and the issuance of search warrants. Case law indicates that they have exclusive jurisdiction over violations of city ordinances.

A city court, which must be open on all judicial days, is established by law in each city and town in Montana, although not all towns have functioning city courts. With the reduction in the number of JPs, a number of towns formerly without city courts have instituted such courts to replace abrogated justice courts. Probably the decrease in justice courts has not effected a significant overall reduction in the total number of lower courts.

a. Manpower

Currently, the office of city judge is elective; the term is four years. No particular qualifications for the position are required. The judge's compensation is determined by ordinance. In 1975 there were 101 city judges in Montana, 34 of whom were also JPs. Vacancies in city court judgeships may be filled by appointment by the mayor with the approval of the city council or commission. City courts in Missoula, Billings, and Great Falls employ clerks, bailiffs, and secretaries and have some caseflow management capabilities. Most city courts employ no support personnel. Usually, recordkeeping is handled by the city clerk in cooperation with the city judge. Specific information about salaries, turnover in personnel, etc., is currently unavailable.

b. Workload

Presently, the caseload for most city courts is neither recorded nor reported in Montana. An evaluation report of a subgrant program in the Missoula city court indicates that 2,245 state, misdemeanor, and DWI cases came before the court in the 10 months from March to December, 1975.

This figure is, of course, exclusive of cases deriving from traffic-related offenses. A semi-annual report of the Great Falls city court for the last six months of 1975 shows 12,756 traffic offenses, 287 misdemeanor complaints, and 384 other offenses (animal, garbage, water) processed by 3,137 arraignments, 866 trials to court, and two jury trials, with 232 cases pending trial to the court and 32 cases pending jury trial.

c. Cost data

Total expenditure for city courts in fiscal 1974, as reported by city and town clerks to the Department of Community Affairs, was $281,356. The same source shows total expenditures for fiscal 1975 at $305,561. Of the latter amount, city courts in 76 towns expended $9,420, while courts in 49 cities of the first, second, and third classes expended $296,231. The following table shows a breakdown of 1975 expenditures by city courts in the latter population category.

Table B-13
Montana City Court Expenditures, FY 1975

City	City Court Expense
Anaconda	2,400
Baker	2,615
Big Timber	1,200
Billings	64,400
Bozeman	13,994
Butte	13,386
Chinook	1,988
Choteau	1,541
Columbia Falls	2,933
Conrad	1,260
Cut Bank	2,411
Deer Lodge	2,205
Dillon	2,129
East Helena	2,627
Fairview	N/A
Forsyth	1,530
Fort Benton	1,979
Glasgow	2,724
Glendive	3,445
Great Falls	36,204
Hamilton	2,037
Hardin	1,378
Harlem	2,353
Harlowton	600
Havre	11,924
Helena	N/A

Table B-13 (Continued)

City	City Court Expense
Kalispell	10,215
Laurel	5,238
Lewistown	5,464
Libby	4,311
Livingston	3,279
Malta	2,753
Miles City	4,095
Missoula	57,546
Plentywood	1,618
Polson	1,461
Poplar	933
Red Lodge	1,480
Ronan	2,950
Roundup	1,481
Scobey	N/A
Shelby	2,052
Sidney	2,176
Terry	143
Townsend	900
Walkerville	398
Whitefish	2,869
White Sulphur Springs	762
Wolf Point	4,844
TOTAL	296,231

Juvenile Justice

The juvenile courts of Montana are a part of the District Court and the District Judges have full discretion over the court's activities. By law, the judge may appoint a chief probation officer and necessary deputies, and order the county to supply whatever resources are necessary to run the juvenile court.

The court is completely supported by the counties within the judicial district, except the judge's salary is funded by the state.

As the general operating procedures of the court are determined by the judge, there are as many different operating procedures as there are judicial districts. A disadvantage of this "non-system" of administering justice is its inherent inequity: A youth in one area of Montana may be treated entirely different from a youth committing the same offense in another part of the state. However, this fragmented arrangement permits the courts to act more expediently and efficiently than if they were part of a large system.

Ninety-five percent of the cases referred to the juvenile court are handled through informal disposition by the juvenile probation officer.

The majority of offenses committed by youth referred to the juvenile court are "status offenses," which are not offenses for adults. Liquor violation is still the major juvenile offense. Additional statistical information is seen on the following pages.

The stated objectives of the Montana juvenile court system are:

1) to preserve the unity and welfare of the family whenever possible, and to provide for the care, protection and wholesome mental and physical development of a youth coming within the provisions of the Montana Youth Court Act;

2) to remove from youth committing violations of the law the element of retribution and to substitute therefor a program of supervision, care, and rehabilitation;

3) to achieve the purposes of 1) and 2) in a family environment whenever possible, separating the youth from his parents only when necessary for the welfare of the youth or for the safety and protection of the community;

4) to provide judicial procedures in which the parties are assured a fair hearing and recognition and enforcement of their constitutional and statutory rights.

The unstated objectives of the Montana juvenile court system are:

1. to keep as many juveniles as possible out of the formal court system;

2. to provide court services such as counseling, foster care, psychological help, etc., to juveniles and their parents before they enter the formal juvenile court;

3. to develop community awareness of the juvenile system without releasing names of juveniles;

4. to develop a series of alternatives prior to formal court action in juvenile matters;

5. to develop the use of community resources outside of the court to help juveniles;

6. to de-emphasize the word delinquent when dealing with outside groups;

7. to get communities to work with youth to keep youth from entering the system;

8. to teach the juvenile how to help himself;

9. to eliminate or slow down delinquent behavior in juveniles.

It should be noted that the stated objectives of the Montana juvenile court system are set by law. The formal system is two-fold in that it provides for a system which will treat juveniles as parents should "normally" treat them, and it establishes a framework to provide legal safeguards. The unstated objectives are the basis for the informal juvenile court system. There may be many other unstated objectives but these were the most commonly observed in a recent survey.

There are 50 juvenile probation officers occupying 38 offices in 19 judicial districts in the state (19 as of mid-1977).

The programs offered include: individual and group foster care programs, private and public institution programs, medical and mental examinations, work study programs, youth-offense work programs, specialized-counseling programs, officer-evaluation programs, and, resource development programs which include jobs-for-youth, volunteerism, camps, foster care, and education. Four shelter-care facilities are in operation to provide pre-dispositional care for youth referred to court.

Outside resource referrals used in all districts to varying degrees include: mental health care, youth centers, legal aid assistance, social and rehabilitation departments, health departments, and school referrals.

The juvenile probation officer has a variety of duties, some of which are incompatible with other duties. He may be involved in the arrest, detention, preliminary inquiry, and probation of a youth coming into the system. He may be involved further in prosecuting the youth before the court as well as completing the pre-sentence investigation of the youth. In some cases, the juvenile probation officer not only has to do pre-sentence investigations of juveniles but also of adult offenders. The latter duty is not a proper role of the juvenile justice system, much less the juvenile court system. In a few districts, the juvenile probation officer is involved in completing social investigation reports on divorce cases.

The Montana Youth Court Act, the first major revision of the state's youth-related laws in 30 years, was passed by the 1974 Legislative Assembly. The Act is an attempt to remedy many of the problems stated herein; for example, specifying that a juvenile probation officer may no longer participate in a youth's apprehension; clarifying the county attorney's role in formal proceedings; eliminating the prosecution functions of the probation officer. The total effect of this act has not been evaluated, but it is apparent that many problems still exist.

Predispositional care (detention) is a major problem for Montana's youth court system today. The SPA has completed a study of this problem and the results are seen in the juvenile supplement to this plan.

Travel often involves so much time that the officer is simply processing youth rather than counseling.

A hindrance to efficiency in the juvenile court system is the apparent lack of selection and training criteria for employees. Uniformity is difficult in the current arrangement of 19 subsystems.

Other constraints are the lack of office space for counseling, inadequate manpower, and overall a lack of money to achieve program and personnel objectives. In six judicial districts, adequate secretarial help is unavailable, placing additional duties upon the probation officers. Probation officers' salaries are set by statute, requiring legislative action for increases, a factor that has caused problems for career promotion.

One of the main reasons volunteers have been encouraged to enter the Montana juvenile court system is to facilitate handling of the problems that full-time professional people cannot.

Historically, data about court operation has given only an account of what is happening at a given time in budgets and programs. The system, even on a judicial district basis, does not analyze the data nor is it capable of doing so at this time. It is easy to check the number of youths who flow through the system but no method has been used in Montana to observe and keep track of youths once they enter it, nor to evaluate the corrective treatment. In response to this problem, the SPA has worked with the Youth Courts to develop an information system that will aid in administration and improve planning on the state and local level.

As of July, 1977, 13 of the state's 19 judicial districts are participating in the Juvenile Probation Information System. Although there is little historical data on which assumptions can be made, the first six months of 1977 reveal some tendencies for Montana's Youth Courts. Males still account for the majority (70.8%) of youth court cases. Each case had an average of 1.16 referrals and 1.45 offenses. Sixty percent of all referrals were for delinquency, eighty percent of which were males. Females accounted for 46% of youth in need of supervision. Eighty-eight percent of the cases had only one referral during the six-month period. Less than one percent had more than four referrals.

Nineteen and six-tenths percent of referrals were detained. Females accounted for 38.5% of these. Youth in need of supervision accounted for 48% of detained youth.

Table C-1

Youth Court
PROBATION COSTS - Fiscal Year 1973

County	1973 Population	Salaries	Total Cost	Total Cost Per Capita
Beaverhead	8,200	$ 3,600	$ 3,600	$ .44
Big Horn	10,300	N/A	N/A	N/A
Blaine	6,900	$ 3,905	$ 5,196	$ .76
Broadwater	2,700	N/A	$ 2,025	$ .75
Carbon	7,600	N/A	N/A	N/A
Carter	1,900	$ 1,658	$ 2,008	$ 1.06
Cascade	84,800	N/A	$ 38,068	$ .45
Chouteau	6,200	N/A	$ 8,172	$ 1.32
Custer	11,800	$ 4,164	$ 6,964	$ .59
Daniels	3,100	$ 2,040	$ 4,525	$ 1.46
Dawson	11,000	$ 3,611	$ 6,551	$ .59
Deer Lodge	15,600	$ 17,600	$ 33,930	$ 2.18
Fallon	3,900	$ 3,188	$ 4,288	$ 1.10
Fergus	12,600	$ 6,642	$ 12,520	$ .99
Flathead	41,900	N/A	N/A	N/A
Gallatin	36,000	N/A	N/A	N/A
Garfield	1,700	$ 1,640	$ 2,040	$ 1.20
Glacier	11,500	$ 5,100	$ 12,231	$ 1.06
Golden Valley	900	*	*	*
Granite	2,700	$ 2,400	$ 3,555	$ 1.32
Hill	17,700	$ 5,712	$ 16,162	$ .91
Jefferson	6,400	$ 2,400	$ 2,767	$ .43
Judith Basin	2,600	$ 2,612	$ 2,891	$ 1.11
Lake	15,900	$ 6,788	$ 9,643	$ .61
Lewis and Clark	36,100	$ 12,633	$ 16,478	$ .46
Liberty	2,400	N/A	$ 1,079	$ .45
Lincoln	17,700	N/A	N/A	N/A
Madison	5,500	$ 2,400	$ 2,500	$ .45
McCone	2,800	$ 1,634	$ 2,460	$ .88
Meagher	2,100	*	*	*
Mineral	3,400	$ 1,008	$ 1,540	$ .45
Missoula	63,300	N/A	N/A	N/A
Musselshell	4,100	*	*	*
Park	11,900	N/A	$ 11,832	$ .99
Petroleum	700	N/A	N/A	N/A
Phillips	5,200	$ 6,900	$ 7,620	$ 47
Pondera	7,100	$ 4,590	$ 8,381	$ 1.18
Powder River	2,300	$ 2,745	$ 3,945	$ 1.72

(continued)

N/A - Information not available
* - No probation program in county

Table C-1 (Continued)

PROBATION COSTS - Fiscal Year 1973

County	1973 Population	Salaries	Total Cost	Total Cost Per Capita
Powell	7,000	$ 4,000	$ 5,000	$ .71
Prairie	1,900	$ 1,327	$ 1,627	$ .86
Ravalli	17,200	$ 7,583	$ 10,285	$ .60
Richland	9,800	N/A	$ 16,675	$ 1.70
Roosevelt	10,300	$ 5,940	$ 11,288	$ 1.10
Rosebud	6,900	$ 3,703	$ 4,803	$ .70
Sanders	7,600	$ 3,897	$ 5,834	$ .77
Sheridan	5,600	$ 3,570	$ 8,870	$ 1.58
Silver Bow	43,300	$ 19,380	$ 27,050	$ .63
Stillwater	4,900	N/A	N/A	N/A
Sweet Grass	3,100	*	*	*
Teton	6,500	N/A	$ 8,803	$ 1.35
Toole	5,700	$ 5,311	$ 11,164	$ 1.96
Treasure	1,100	N/A	N/A	N/A
Valley	13,200	N/A	N/A	N/A
Wheatland	2,500	*	*	*
Wibaux	1,400	N/A	$ 6,200	$ 4.43
Yellowstone	93,200	N/A	N/A	N/A

N/A - Information not available
* - No probation program in county

Table C-2
PROBATION COSTS - Fiscal Year 1974

County	1974 Population	Salaries	Total Cost	Total Cost Per Capita
Beaverhead	8,300	$ 4,200	$ 4,200	$ .51
Big Horn	10,500	N/A	N/A	N/A
Blaine	6,800	$ 4,709	$ 5,843	$ .86
Broadwater	2,700	N/A	$ 2,025	$ .75
Carbon	7,900	N/A	N/A	N/A
Carter	1,900	$ 4,748	$ 5,298	$ 2.79
Cascade	84,300	N/A	$ 50,221	$ .60
Chouteau	6,400	N/A	$ 9,826	$ 1.54
Custer	12,300	$ 11,850	$ 14,850	$ 1.21
Daniels	3,200	$ 2,292	$ 3,919	$ 1.22
Dawson	10,900	$ 4,000	$ 6,940	$ .64
Deer Lodge	15,100	N/A	$ 34,010	$ 2.25
Fallon	3,900	$ 9,090	$ 10,390	$ 2.66
Fergus	12,900	$ 8,212	$ 19,491	$ 1.51
Flathead	42,600	N/A	$ 36,000	$ .85
Gallatin	36,000	N/A	N/A	N/A
Garfield	1,600	$ 4,695	$ 5,295	$ 3.31
Glacier	11,400	$ 5,500	$ 14,400	$ 1.26
Golden Valley	900	*	*	*
Granite	2,700	$ 3,000	$ 4,483	$ 1.66
Hill	17,700	$ 5,940	$ 17,965	$ 1.01
Jefferson	6,900	$ 2,400	$ 2,944	$ .43
Judith Basin	2,700	$ 3,073	$ 3,537	$ 1.31
Lake	16,700	$ 9,094	$ 16,862	$ 1.01
Lewis and Clark	36,000	$ 21,810	$ 26,628	$ .74
Liberty	2,300	N/A	$ 1,572	$ .68
Lincoln	17,000	N/A	$ 17,616	$ 1.04
Madison	5,900	$ 1,000	$ 1,500	$ .25
McCone	2,700	$ 1,634	$ 2,461	$ .91
Meagher	2,100	*	*	*
Mineral	3,600	$ 975	$ 1,471	$ .41
Missoula	63,700	$ 31,550	$ 38,089	$ .60
Musselshell	4,200	*	*	*
Park	11,900	N/A	$ 12,872	$ 1.08
Petroleum	600	N/A	N/A	N/A
Phillips	5,500	$ 6,900	$ 7,600	$ 1.38
Pondera	6,700	$ 4,950	$ 10,924	$ 1.63
Powder River	2,200	$ 7,752	$ 9,152	$ 4.16

(continued)

N/A - Information not available
* - No probation program in county

Table C-2 (Continued)

PROBATION COSTS - Fiscal Year 1974

County	1974 Population	Salaries	Total Cost	Total Cost Per Capita
Powell	7,400	$ 4,000	$ 5,500	$ .74
Prairie	1,900	$ 3,798	$ 4,298	$ 2.26
Ravalli	17,900	$ 11,780	$ 15,852	$ .89
Richland	9,900	N/A	$ 17,016	$ 1.72
Roosevelt	10,500	$ 6,605	$ 13,280	$ 1.26
Rosebud	7,700	$ 10,591	$ 14,091	$ 1.83
Sanders	7,800	$ 3,900	$ 5,775	$ .74
Sheridan	5,300	$ 4,170	$ 9,770	$ 1.84
Silver Bow	43,200	$ 20,900	$ 36,800	$ .85
Stillwater	5,200	N/A	N/A	N/A
Sweet Grass	3,100	*	*	*
Teton	6,400	N/A	$ 10,478	$ 1.64
Toole	5,400	$ 6,100	$ 15,020	$ 2.78
Treasure	1,200	N/A	N/A	N/A
Valley	13,000	N/A	$ 16,116	$ 1.24
Wheatland	2,500	*	*	*
Wibaux	1,400	N/A	$ 6,050	$ 4.32
Yellowstone	[illegible]	N/A	N/A	N/A

N/A - Information not available
* - No probation program in county

Table C-3

PROBATION COSTS - Fiscal Year 1975

County	1975 Population	Salaries	Total Cost	Total Cost Per Capita
Beaverhead	8,300	$ 4,200	$ 4,200	$ .51
Big Horn	10,900	N/A	$ 9,131	$ .84
Blaine	6,800	$ 6,056	$ 7,394	$ 1.09
Broadwater	2,800	N/A	$ 2,275	$ .81
Carbon	7,700	N/A	$ 7,651	$ .99
Carter	1,900	$ 5,364	$ 7,791	$ 4.10
Cascade	84,600	N/A	$ 4,628	$ .76
Chouteau	6,200	N/A	N/A	N/A
Custer	12,000	$ 13,470	$ 23,037	$ 1.92
Daniels	3,000	N/A	$ 7,000	$ 2.33
Dawson	10,300	$ 4,750	$ 7,700	$ .75
Deer Lodge	15,200	$ 21,900	$ 37,975	$ 2.50
Fallon	4,000	$ 10,311	$ 13,563	$ 3.39
Fergus	12,800	$ 8,903	$ 18,157	$ 1.42
Flathead	44,200	N/A	$ 47,498	$ 1.07
Gallatin	38,800	N/A	N/A	N/A
Garfield	1,600	$ 5,304	$ 7,706	$ 4.82
Glacier	11,600	N/A	N/A	N/A
Golden Valley	927	*	*	*
Granite	2,700	$ 3,600	$ 4,700	$ 1.74
Hill	17,900	$ 6,750	$ 32,899	$ 1.84
Jefferson	7,200	$ 2,400	$ 3,106	$ .43
Judith Basin	2,700	$ 3,666	$ 4,262	$ 1.58
Lake	17,000	N/A	N/A	N/A
Lewis and Clark	36,900	$ 32,516	$ 38,180	$ 1.03
Liberty	2,500	N/A	$ 4,161	$ 1.66
Lincoln	15,800	N/A	$ 21,957	$ 1.39
Madison	5,800	$ 2,200	$ 2,700	$ .47
McCone	2,700	$ 1,980	$ 2,747	$ 1.02
Meagher	2,200	*	*	*
Mineral	3,500	N/A	N/A	N/A
Missoula	66,500	$ 31,575	$ 38,013	$ .57
Musselshell	4,100	*	*	*
Park	12,000	N/A	$ 12,505	$ 1.04
Petroleum	658	N/A	N/A	N/A
Phillips	5,400	$ 6,900	$ 7,600	$ 1.41
Pondera	6,900	$ 7,250	$ 12,781	$ 1.85
Powder River	2,300	$ 8,880	$ 17,225	$ 7.49

(continued)

N/A - Information not available

* - No probation program in county

Table C-3 (Continued)

PROBATION COSTS - Fiscal Year 1975

County	1975 Population	Salaries	Total Cost	Total Cost Per Capita
Powell	7,400	$ 4,000	$ 5,500	$ .74
Prairie	1,900	$ 4,291	$ 6,563	$ 3.45
Ravalli	18,500	N/A	N/A	N/A
Richland	9,700	N/A	$ 16,920	$ 1.74
Roosevelt	10,000	N/A	$ 13,000	$ 1.30
Rosebud	9,578	N/A	$ 22,540	$ 2.35
Sanders	8,000	N/A	N/A	N/A
Sheridan	5,400	$ 4,695	$ 10,295	$ 1.91
Silver Bow	43,200	$ 23,750	$ 45,650	$ 1.06
Stillwater	5,300	N/A	$ 5,334	$ 1.01
Sweet Grass	2,900	*	*	*
Teton	6,500	N/A	$ 14,859	$ 2.29
Toole	5,300	$ 7,656	$ 17,016	$ 3.21
Treasure	1,228	N/A	$ 1,722	$ 1.40
Valley	13,300	N/A	$ 13,301	$ 1.00
Wheatland	2,300	*	*	*
Wibaux	[illegible]	N/A	$ 6,400	$ 4.40
Yellowstone	[illegible]	N/A	$ 69,244	$ .71

N/A - Information not available
* - No probation program in county

Prosecution, Defense, and Legal Education

A. Prosecution

(1) The Attorney General

As the constitutionally-designated chief legal officer, the Attorney General is principally related to the prosecutorial system in the state by his supervisory authority over county attorneys. In addition, for the past three years, the Attorney General has exercised an extraordinary prosecutorial function through the appointment of a special prosecutor with staff and the convening of a grand jury to investigate and prosecute a far-reaching scandal in the area of workmen's compensation. At present, there is a single special prosecutor handling part of the remaining prosecution duties, while the legal services staff of the Attorney General performs the remainder.

Other duties of the Attorney General include administration of the Department of Justice, of which he is the head, the prosecution or defense before the supreme court of all causes to which the state or any officer is a party and all causes to which any county is adverse to that of the state or some officer thereof; the keeping of a public register of all cases in which he is required to appeal; and the rendering of his written opinion without fee to the Legislature, and to any state officer, board or commission to any county attorney, to any city attorney, and to any board of county commissioners when required upon any question of law relating to their respective offices.

The Attorney General is elected to a four-year term, at a salary of $32,500. He must be at least 25 years of age, a United States citizen who has resided in the state for two years preceding his election, and have been admitted to the practice of law in Montana for at least five years prior to election.

The legal services responsibilities of the Attorney General are discharged through a division staffed by 15 attorneys, one executive secretary, and five clerical persons.

(2) County Attorney Coordinator

A training coordinator for county attorneys was established within the Department of Justice in 1974 through the award of a grant from the SPA. Funding for the position was assumed by the state, budgeted for in conjunction with the legal services division of the Department of Justice. Approximately $353,000 was budgeted and appropriated for both functions for fiscal 1976, and about $377,000 for fiscal 1977. The position was vacant, except for some part-time liaison by the outgoing coordinator, from October, 1975, through May, 1976. The position was not refunded by the 1977 Legislature but the function of the office has been assumed by a member of the Attorney General's staff.

While in existence the training coordinator program represented a cooperative effort between the county attorneys and the Attorney General to provide needed services to county attorneys. The coordinator was an attorney appointed by the Attorney General from a list of three names submitted by the president and board of directors of the County Attorneys' Association. His duties included providing in-state training in current aspects of the criminal law to county attorneys and other law enforcement personnel, assisting in developing and disseminating standards, procedures, and policies to insure that criminal laws were applied consistently and uniformly in Montana, consolidating past and present information on important aspects of the criminal law and providing a pool of official opinions and legal briefs, and providing support with research, briefs, or other technical assistance requested by a county attorney or law enforcement official. Administrative support for the office was supplied by the Department of Justice.

(3) County Attorneys

a. Manpower

The county attorney is the public prosecutor. Each of Montana's 56 counties has a county attorney who is elected to a four-year term and who must be admitted to practice law in Montana. Vacancies are filled by appointment of the county commissioners. If a vacancy occurs and no licensed eligible attorney resides in the county, the Board of County Commissioners has the power to employ special counsel from outside the county.

County attorneys receive annual salaries ranging from $8,265 to $25,000, half of which is paid by the state. Compensation is based on a formula which considers the population of a county and its taxable valuation, except in the case of a county attorney of a county with more than 30,000 population, who may be paid $25,000 for full-time work at the discretion of the county commissioners.

Six counties have full-time county attorneys, who are precluded by law from engaging in private practice. In 49 counties, the county attorneys give part time to private practice. One county, the smallest in population, contracts by interlocal agreement for the part-time services of a neighboring county attorney.

The county must provide the county attorney with office space, supplies, and a support staff. In the first and second class counties, a county attorney may have one chief deputy and one other deputy unless the county commissioners determine that more or fewer are needed. In third class counties, the county attorney may not have more than two deputies. In practice, 10

counties have six each. A deputy may be paid up to 90% of the county attorney's salary if the county attorney is part-time or 70% of a full-time county attorney's salary. Partly supported by an SPA grant to the law school, 17 law interns were employed in offices of county attorneys in the summer of 1977. This is fewer than in previous years, but an action program is planned that would establish interns for prosecutors as part of the law school clinical education program.

In 1975, 1976, and 1977, the SPA awarded grants of approximately $16,600 for 27 out-of-state training seminars for county attorneys and deputies. In 1974-1977, at least five in-state training sessions were held to update participants in substantive and procedural law and in office management.

b. Workload

In addition to the responsibilities for criminal prosecution, the county attorney has numerous statutory civil functions. He is the legal adviser of the Board of County Commissioners and other county agencies. He represents the county in all actions, suits, and proceedings to which the county is a party. He must, when required, give his opinion in writing to county officers relating to the duties of their respective offices. He must also represent the state in all matters and proceedings within the county to which the state is a party or in which it may be beneficially interested. Numerous quasi-criminal and administrative prosecutions or representations are also assigned to the offices of the county attorneys by specific state and federal legislation; i.e., juvenile proceedings, child abuse and neglect, corrupt practices of public officials and candidates, mental commitments, non-support, etc. The two or three largest prosecutors' offices are able to assign full-time staff attorneys to such special areas: most, of course, are not.

Currently, there is no regular caseload reporting by county attorneys. It is anticipated that this major disjunction in system data elements will be cured in 1977. For caseload information currently available, see the system performance chart and information regarding prosecutors' 1975 caseloads in the section dealing with high crime areas.

It is a matter of conventional wisdom that Montana county attorneys use traditionally broad prosecutorial discretion to divert selected offenders from the criminal justice system. The degree to which informal diversion is practiced is presently unknown. A major project in deferred prosecution was begun in Yellowstone County in mid-August, 1975, funded by the SPA. Set up as a separate division in the office of the county attorney, the deferred prosecution program includes multi-agency cooperation, the use of community resources, and considerable citizen involvement. It is modeled, with local adaptations, on the Flint, Michigan, program. Yellowstone county commissioners have budgeted for continuation of the project.

As may be observed in Table B-6 (Cases Disposed in Montana District Court by Offense), guilty pleas are taken in an average of 79.6% of the felony cases heard statewide. The national average for guilty pleas to felony charges appears to range between 90% and 95%.

c. Cost data

Total local expenses for county attorneys' offices rose in fiscal 1976 by about 33% over fiscal 1975, as is shown in the following table. The largest increases were in counties with the most rapid population growth and in the county where the state prison is located. Also, Big Horn County had a special prosecutor who incurred $87,507 in expenses. Reductions in expenditure occurred in some rural counties where projections of costs of courts, prosecution, or defense are uncertain. In some of these counties, a single major crime may double annual court-related costs over the previous year, or the absence of a major trial may reduce costs projected from a previous year's experience.

Table D-1
County Expenditures for Office of County Attorney
Fiscal 1975 and 1976

County	FY 1975	FY 1976	County	FY 1975	FY 1976
Beaverhead	$14,721	$ 15,766	Judith Basin	$ 9,176	$ 10,389
Big Horn	22,991	103,004	Lake	25,203	23,406
Blaine	16,265	18,609	Lewis & Clark	51,091	54,716
Broadwater	8,269	9,341	Liberty	7,465	8,526
Carbon	13,576	17,933	Lincoln	30,315	37,580
Carter	10,727	12,272	Madison	11,677	13,194
Cascade	100,472	112,162	McCone	9,420	10,824
Chouteau	10,549	14,700	Meagher	7,165	7,684
Custer	21,731	25,135	Mineral	13,899	15,330
Daniels	10,005	10,337	Missoula	133,810	217,001
Dawson	22,175	23,090	Musselshell	12,916	14,795
Deer Lodge	26,289	79,417	Park	19,786	22,086
Fallon	24,376	35,893	Petroleum	1,528	1,634
Fergus	37,301	40,633	Phillips	14,286	13,496
Flathead	75,133	90,306	Pondera	24,187	26,448
Gallatin	67,561	74,617	Powder River	15,467	18,317
Garfield	12,229	13,038	Powell	29,377	24,972
Glacier	20,088	22,077	Prairie	8,068	7,371
Golden Valley	4,905	5,072	Ravalli	32,805	32,686
Granite	11,959	13,000	Richland	14,107	14,843
Hill	23,371	26,925	Roosevelt	22,288	26,937
Jefferson	23,438	19,992	Rosebud	25,930	47,027

Table D-1 (Continued)

County	FY 1975	FY 1976	County	FY 1975	FY 1976
Sanders	11,143	12,871	Toole	11,580	13,174
Sheridan	13,612	13,650	Treasure	4,926	5,335
Silver Bow	86,177	179,522	Valley	24,801	28,830
Stillwater	12,765	14,428	Wheatland	8,196	10,133
Sweetgrass	11,402	12,548	Wibaux	9,956	10,162
Teton	10,482	14,017	Yellowstone	151,666	190,968
FY 1975 TOTAL	$1,454,803		FY 1976 TOTAL	$1,921,319	

(4) City Attorneys

Montana cities and towns may employ a city attorney, although they are not statutorily required to do so. The office may be created or abolished by the city council, but if a council decides to engage a city attorney, the appointment is made by the mayor with the council's advice and consent. An appointment is for two years, with a salary or fees set by ordinance. The city attorney must be admitted to practice law in Montana. The county attorney may also serve as attorney for a third class city if such arrangements are made through interlocal agreement. It is the duty of the city attorney to prosecute on behalf of the city in city court or district court. Moreover, he must draw contracts and ordinances for the city council as required and furnish the mayor or city council, as requested, written opinions on questions pertaining to the duties, rights, liabilities, and powers of the municipal corporation. He may be suspended or removed from office by the city council for the neglect, violation, or disregard of these duties or of the ordinances of the city.

With the expansion of jurisdiction of city courts, noted in the judicial branch section, city attorneys in the larger communities have become a significant segment of the manpower available for misdemeanor prosecutions. As is the case with city courts, however, little data is recorded or reported.

B. Defense of the Indigent Accused

Under a permissive statute, county commissioners may establish an office of public defender and provide for the appointment of a defender and such assistants as may be necessary. Thirteen counties have appointed 29 part-time public defenders. In practice, the appointments are usually made pursuant to recommendations from the district judges. In two multi-judge districts, county commissioners contract for services with one law firm or act upon recommendations made by the judges as a group. In two other multi-judge districts, each judge appoints one lawyer or one firm to handle adult or juvenile indigent defense needs that may arise in his court.

In the more sparsely settled areas, the common procedure is the appointment of counsel in each case by the district juste, with the assignments rotated among members of the bar in the county or the judicial district. Some judges appoint only lawyers who have indicated willingness to accept such assignment; others mandate acceptance of an appointment. In counties with very few lawyers, it is often difficult to assign a counsel who is free of potential conflicts of interest.

The costs of public defense or assigned counsel are chargeable against the county where the proceeding arose except that in proceedings solely involving the violation of a city ordinance or state statute prosecuted in a city court, the costs are chargeable to the city or town where the proceedings arose, and in proceedings involving an arrest by agents of the Department of Fish and Game or agents of the Department of Justice, or charges brought by state prosecutors, the costs are to be borne by the state agency causing the arrest or filing the information. Salaries of part-time public defenders are set by the county commissioners, usually upon recommendation of a district judge. There is wide variation in salaries. In the case of assigned counsel, the judge is to certify reimbursement for reasonable fees and expenses. Judicial interpretation of what is "reasonable" also varies. Several appeals of such interpretations are pending before the state supreme court as of this writing. Few, if any, counsel for indigent defense have access to the services of an investigator. Except in two public defender offices, administrative and clerical services to the defense counsel are supplied by the firm with which the lawyer is affiliated. Sometimes judges allow expense allocations for overhead, and sometimes not.

Opportunities for in-service training for defense counsel have been minimal. In 1975, 1976, and 1977, the SPA awarded eight grants for out-of-state training for part time public defenders. A 1975 in-state training seminar, sponsored by the Montana Criminal Defense Lawyers Association and the SPA, was attended by more than 50 attorneys interested in trial tactics in criminal defense.

Indigency determinations are, by statute, to be made by district judges or a supreme court justice. In at least one multi-judge district, that authority has been delegated provisionally by the judges to the public defenders in order to guarantee early representation at critical stages. In most districts, however, early representation is uncertain. Moreover, there are no state guidelines or rules of procedure to define indigency, so there is no uniformity in the results of indigency determinations.

Beyond the foregoing statutory provisions and observed practices, the only manpower, workload, and cost data on indigent defense services in Montana is attached as Table which is self-explanatory. Currently, the National Center for Defense Management (NCDM) is conducting an appraisal by sampling existing defense services in the state.

Table D-2

Sampling of Payments to Legal Counsel for Indigent Criminals Accused in Montana In 1975

Figures or estimates were collected by staff of the SPA May 4-6, 1976, and compared with (1) amounts listed in the Annual Reports of County Clerks and Recorders to the Department of Community Affairs (DCA) and (2) court data on criminal cases in district courts gathered by the SPA. Among the local officials consulted were Public Defenders, Clerks of Court, County Clerks and Recorders, and County Auditors. The sampling does not include all districts. Persons contacted were those who could be reached quickly by telephone. At least four counties with public defenders were not included. Counties contacted using the assigned counsel approach include four which reported defense expenditures on DCA annual reports and three which did not itemize defense costs within overall district court expenditures.

DEFENDERS

District	County	# of Defenders	Salary or Contract Amt.	Expense Allocation	Estimate No. of Cases	Method of Selection
1	Lewis & Clark	4--Two for each judicial department. All part-time	$375 a month ea. & $100 a day for trial time in district court	Yes. Submit claim	75 felonies - ? misdemeanors	Appointed by district judges ratified by commissioners
2	Silver Bow	2 part-time	$800 a month each	Yes. $100 a month each. Share a full-time secretary	150 felonies & misdemeanors	Appointed by county commissioners
3	Granite Powell	1 full-time time district defender	$1500 a month	Yes. Secretarial & office expenses plus	230 adult felonies & misdemeanors. No estimate, juvenile	Appointed by trial county board on recommendation of district judge
	Deer Lodge	1 part-time district defender	$600 a month project supported until mid-summer 1976 (approx) by DF grant from LEAA	plus travel expenses at 15¢ a mile & $30 a day		

Table D-2 (Continued)

District	County	# of Defenders	Salary or Contract Amt.	Expense Allocation?	Estimate # of Cases	Method of Selection
4	Lake	1 part-time	$700 a month (1975) $800 a month (1976)	No		Appointed by county commission on recommendation of district judge
	Missoula	3 part-time All members of one firm	$22,500 contract for 1975. Paid office overhead & expenses. County also paid some assigned counsel fees. Contract amount under renegotiation upward in 1976	No		Contract with county commission
13	Yellowstone	2 individuals part-time	$1200 a month ea.	Yes	75-100 felonies each attorney	Appointment by county commission
		1 two-member firm, part-time	$1200 a month to firm	Yes		
		1 juvenile advocate	?			Appointment youth court judge
18	Gallatin	3-part-time	One individual, $291 a month- All 3, $130 a month* (for expenses?) *division of reimbursement not entirely clear	Sums paid probably should be classified as expense reimbursement, all defenders consider their activity as fundamentally pro bono	One defender handles 100 to 150 felonies misdemeanors, commitments, etc., per yr. Other two may average 50 cases a year each	Appointment by district court judge

C. Codes of Criminal Law, Criminal Procedure, and Rules of Evidence

Montana revised its codes of criminal law and criminal procedure in 1967-1974. The code of criminal procedure is based on the old Montana code, Montana case law, federal case law, statutes and decisions of sister states, and proposed model legislation. The code most relied upon was the Illinois Code of Criminal Procedure. The sources of the criminal code are similar to those from which the code of criminal procedure was drawn.

Also, funded in part by the SPA, was a recent revision of the Rules of Evidence. The Commission on Rules of Evidence was created on April 4, 1974, to prepare proposed new rules of evidence and report to the Supreme Court. In 1976 that work was completed and the Commission recommended the adoption of the new proposed rules of evidence. In December, 1976, the Supreme Court adopted the new rules and they were implemented July 1, 1977.

D. The State Bar

As is true in many other states, the bar association is governed by elected officers, while admission to the bar and discipline and removal are among the responsibilities of the Supreme Court. As indicated previously, the Montana bar was unified by Supreme Court order effective July 1, 1975. Membership is now mandatory for the 1,360 (approximately) lawyers admitted to practice in Montana.

Graduates of the University of Montana School of Law are admitted to practice in the state by "diploma privilege" (without a bar examination requirement). The constitutionality of the the diploma privilege has been upheld in tests in state and federal court, with denial of certiorari by the U.S. Supreme Court. A passing grade on a written examination is mandatory for graduates of other law schools, except those who qualify for admission by virtue of reciprocity with another state.

Continuing Legal Education seminars are sponsored jointly by the State Bar and the law school.

Table D-3
Number of Attorneys by Judicial District
and Population

District	1976 Population	No. of Attorneys*
1	2,743	213
2	41,981	109
3	25,289	27
4	116,679	203
5	20,931	21
6	15,438	20
7	27,769	24
8	87,411	164
9	29,909	42
10	15,966	22
11	58,866	92
12	26,692	33
13	119,987	247
14	9,876	12
15	18,022	18
16	33,935	33
17	18,414	16
18	45,000	64

* from Legal Directories Publishing Co., Inc., The Montana State Legal Directory, 1974-1975 (Los Angeles: Legal Directories Publishing Company 1974) pp. 217-247.

E. The Law School

Cognizant of the responsibilities associated with the "diploma privilege," the law school gears its curriculum to the production of general practice lawyers and trial attorneys for Montana. In the criminal justice area, requirements include two semester hours of criminal law, three hours of criminal procedure, and four hours of evidence. Courses emphasize Montana law.

Most students in their third year participate in a Defender Project, which involves the representation of inmates in the state prison in some sentence reviews and occasionally in advising on post-conviction remedies. The Defender Project is financed in part with funding from the SPA.

About 30 students a year participate in summer internship programs in offices of Montana prosecutors, judges, or defenders. These internships have been made possible by grants from the SPA.

The supreme Court, in 1975, adopted a student practice rule allowing law students to practice before the state district courts under the supervision of a licensed attorney.

In 1975, through an LEAA discretionary grant to the law school, a legal information center was established. The Montana legal information center (MONTCLIRC) has provided legal research assistance to judges, prosecutors, and defenders upon request. The operation is staffed by a full-time director and legal secretary and student assistants. Requests are received over a toll-free telephone line or by mail. Users receive a memorandum analyzing and synthesizing the relevant law, or library materials, or other service depending on the request and the amount of time allowable for response. The program provides improved legal research capabilities to judges, prosecutors, and defenders in areas where local resources are less than adequate. A side benefit is the educational value to law students in attaining improved skills in legal research.

As of June 30, 1977, the rate of requests to MONTCLIRC was about 40 per month. Of the 562 potential users of MONTCLIRC (judges, prosecutors, and defenders), 136 have used the service (24.2%). User evaluation of the service has been high (approximately 70%-90% rated it "excellent"). There have been 226 requests with 21 denied. Forty-five of the 56 counties have been represented. Table D-4 shows where the requests came from and who made them.

Table D-4
Statistics on MONTCLIRC Services
November 1, 1976, to June 23, 1977

Requests made by:

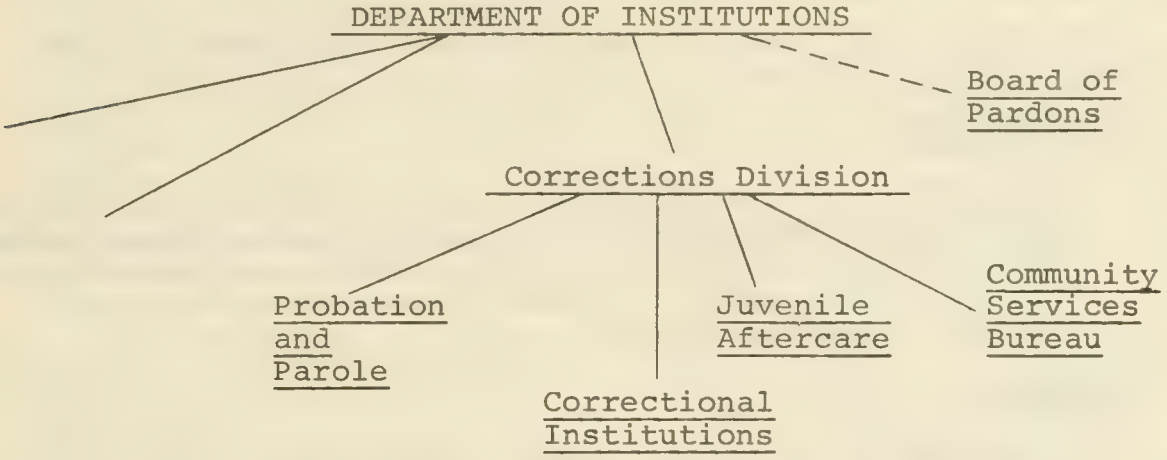
County Attorneys (includes Deputies)	64
Public Defenders	40
Court-Appointed Counsel	26
Justices of the Peace	23
City Judges	15
City Attorneys	13
District Judges	11
Sheriffs	6
Police Chiefs	4
Special Prosecutors	1
Juvenile Probation Officers	2
Parole Officers	1
Other	20

Counties Represented and No. of Requests:

Beaverhead	3	Mineral	1
Big Horn	4	Missoula	17
Blaine	3	Musselshell	2
Broadwater	3	Park	2
Carbon	4	Phillips	3
Cascade	21	Pondera	2
Chouteau	1	Powder River	3
Custer	6	Powell	7
Dawson	1	Prairie	1
Deer Lodge	3	Ravalli	7
Fallon	1	Richland	1
Fergus	2	Roosevelt	4
Flathead	12	Rosebud	5
Gallatin	4	Sanders	4
Glacier	5	Silver Bow	7
Hill	5	Stillwater	1
Jefferson	3	Sweet Grass	2
Judith Basin	1	Teton	4
Lake	2	Toole	4
Lewis & Clark	20	Valley	2
Lincoln	20	Wheatland	3
Madison	1	Yellowstone	17
Meagher	1	Out-of-State	1

Department of Institutions

The Division of Corrections is one of three divisions within the Department of Institutions. The Division includes the bureaus of Probation and Parole, Aftercare, and Community Services.



Probation and Parole district offices are located in Great Falls, Missoula, Billings, Kalispell, Polson, Butte, Havre, Miles City, Helena, Bozeman, Glendive, Forsyth, Libby, and Glasgow.

The Corrections Division administers probation and parole services for Montana's 18 judicial districts and 28 judicial district judges and furnishes the counties with requested services. (See Illustration B-4, map of judicial districts, page 158.)

Principal goals of the Division are the protection of society during the offender's term of sentence and the eventual return to society of a law-abiding citizen.

Goals of the Probation and Parole Bureau are:

1. To provide the offender with sufficient supervision to eliminate further acts of delinquency without dehumanization;

2. To help the offender locate proper residence and employment to sustain his needs during the entire term of sentence on probation or parole;

3. To facilitate proper treatment the offender may require for good physical and mental health;

4. To better enable the offender to operate within the correctional system and to cope with handicaps imposed as a result of the conviction;

5. To encourage the offender to seek additional academic or vocational training as required to obtain his or her goals for the future;

6. To provide fair and just treatment for all regardless of ethnic origin or religious beliefs.

The Bureau of Probation and Parole is concerned with the following target groups:

1. PROBATIONERS

Probation is a course of treatment in which final action in a case is suspended or deferred, allowing the offender to remain at liberty, subject to conditions imposed by or for the Court, under the supervision and guidance of a probation-parole officer.

2. PAROLEES

A parolee is an offender who, after serving part of a term in a correctional institution, is conditionally released under supervision and treatment by a probation-parole officer.

3. FURLOUGHED INMATES

Through work or school, furloughed inmates of the prison are released into the community to pursue vocational or educational skills. Furloughed inmates must report to the local officer.

The Bureau employs 44 field staff people supervised by a Chief and his administrative staff, which includes an Assistant Chief and three other employees. The district offices are under the direct supervision of this administrative staff.

State statute, 95-3302.1, requires a probation and parole officer to have at least a college degree including some formal training in behavioral sciences. Any exceptions to this rule must be approved by the Department of Institutions.

Related work experience may be substituted for the educational requirements at the rate of one year's experience for nine months' formal education, if approved by the Department. All present employees are exempt from the requirement but are encouraged to further their education whenever possible.

Interstate Compact Arrangement

In 1934, Congress authorized agreements or compacts among the states for cooperative effort and mutual assistance in the prevention of crime. Since then, each of the 50 states, plus Washington, D.C., Puerto Rico, and the Virgin Islands, has become signatory to an interstate compact for the supervision of parolees and probationers.

The primary purpose of the Interstate Probation and Parole Compact is to discourage the practice of "sundown probation or parole;" i.e., release conditioned upon leaving the jurisdiction, never to return, and without thought given to supervision. That practice was self-defeating and a denial of the fundamental goal of probation and parole which is to end criminal careers through the rehabilitation of those convicted of crime.

A probationer or parolee under supervision of the Department may qualify for interstate transfer, under supervision if such a person has one or more of the following existing conditions: (a) has residence, (b) has family, or (c) has employment in that state.

Plan for 1978

Problem areas as presented by the Probation and Parole Field Officers to be worked on during 1976 to help this agency meet its principal goals are:

1. Promote a public relations program that will inform the community of the importance of a correctional system, its function, and benefit to the community;

2. Acquire adequate office space, equipment, and clerical help for Probation and Parole Field Services;

3. Establish a program to provide a maintenance program for inmates when released from prison on parole; i.e., first 3 months after release be eligible for unemployment compensation;

4. Initiate long-range planning program for Probation and Parole budget to assure it of a budget that will enhance the opportunities of meeting the established goals;

5. Reduce each field officer's caseload to 50 units as recommended by the Manual of Correctional Standards;

6. Develop a program to insure the field officer more involvement in professional organizations (Montana Correctional Association, American Correctional Association, and local civic organizations);

7. Provide uniform transportation for all staff through acquisition of vehicles within the bureau;

8. Hire employment counselor to assist inmates in job counseling and job development at the state prison and to work with inmates, probation/parole, and Board of Pardons to formulate a workable employment plan upon release;

9. Implement classification plan for parolees to determine degree of supervision and reporting schedule necessary;

Table E-1
Paroles by Counties
July 1, 1976 - April 22, 1977

County	No. Paroles	County	No. Paroles
Beaverhead	3	McCone	1
Big Horn	1	Meagher	1
Carbon	1	Missoula	16
Cascade	16	Musselshell	1
Chouteau	1	Park	1
Custer	4	Phillips	1
Dawson	1	Powell	7
Deer Lodge	25	Prairie	1
Fergus	1	Ravalli	1
Flathead	15	Rosebud	2
Gallatin	8	Sanders	1
Glacier	2	Silver Bow	12
Jefferson	1	Teton	1
Lake	3	Treasure	1
Lewis & Clark	14	Wheatland	1
Liberty	1	Yellowstone	26
Lincoln	1		172
		Out of State	52
		TOTAL	224

PAROLE BOARD
(Board of Pardons)

The Parole Board is an autonomous decision-making body that consists of three part-time members who serve renewable four-year terms. All members are appointed by the Governor from a list of recommended names drawn up by his staff.

As of July, 1975, the Parole Board and Adult Probation and Parole Services were separated, with Probation and Parole being placed under the authority of the Department of Institutions. The Board retained the responsibility of establishing rules and conditions imposed by the Court. In addition, they were given the authority to review any act or rule implemented by any other authority which might conflict with a condition imposed by the Board.

The Parole Board hires an executive secretary, who administers the Board of Pardons and keeps such records, reports, and data as the Parole Board requires.

The Parole Board also hires a hearing examiner, who interviews persons eligible for parole or executive clemency and reports this information, along with recommendations, to the Parole Board. He also acts in place of the secretary in his absence.

The Parole Board's secretary supervises the other three full-time members of the Board's staff and maintains and works to improve community relations with both private individuals and public agencies that the Board has contact with in the course of its duties. He also sets up the monthly agenda and compiles all pertinent information for Board meetings.

The Board of Pardons is attached to the Department of Institutions for administrative purposes only. The chairman, appointed by the Governor, is responsible for coordinating the Board's activities, acting as its spokesman, and holding hearings for parole violators.

The Board is required by law to meet at least two days a month. It is basically concerned with determining if inmates at Montana State Prison should be placed on parole or work furlough, and deciding whether a person on parole has violated the conditions of release. The Board also attempts to keep abreast of programs in the prison by touring facilities and interviewing program instructors. The Board chairman may hold parole violation hearings on another day of the month if the workload demands.

The Parole Board has full parole jurisdiction over adult males and females, no age limitation, who are confined in Montana State Prison. In addition to its primary function of paroling felons, the Board also serves as an advisory body to the Governor in the matters of pardon and commutations. The Board does have the authority to discharge a parolee from further supervision short of the expiration of his maximum sentence. The Board also reviews the findings of the revocation hearings conducted by the chairman. At that review the Board either confirms the findings or requests the inmate to appear before the full Board.

The Parole Board hearings are conducted each month at Montana State Prison by the full Board. If an inmate is initially denied parole and passed for a year or longer, the Board's policy is to review each case at the end of that year (annual review). The Board also sets the date for each person's hearing on an individual basis. Public hearings are held when a person seeks a commutation. Such hearings are a matter of public record.

In a typical day the Board reviews about 40 cases, including interviewing about 20 for parole. Present at the Parole Board hearings are the Board, the inmate, and members of the Board of Pardons staff. Counsel is permitted at parole revocation hearings, but not at Board expense. No record is made of the proceedings at this time, but plans are being made to record the hearings.

The Board accepts written or oral arguments prior to the hearing from the inmate's counsel, family, friends, or other interested parties.

The Board informs the sentencing judge, county attorney, and local sheriff of the inmate's approaching parole hearing and invites opinions from them about the inmate's parole. The inmate is informed of the Board's decision in writing immediately after the hearing.

If a detainer is pending on an inmate, the Board does not attempt to ascertain the intention of the issuing authority or accelerate the disposition of a new charge. Usually the case is considered on its own merits, regardless of any detainer. If the person receives a parole, it would be to the detainer. All parolees who have been charged with a violation of parole are entitled to revocation hearing. This interview takes place at Montana State Prison the week of the Board meeting, either before a Board member designated by the chairman as hearing officer or before the whole Board. The violation report

filed by the inmate's parole officer and a report by the hearing officer are given to him prior to his hearing. The inmate must answer to the hearing officer or the Board for these charges. The decision may be either to re-parole or recommend revocation of parole and pass the inmate to a later date for a parole hearing. All decisions of the hearing officer must be confirmed by the full Board. The results of any hearing before the hearing officer may be appealed to the full Board if the inmate wishes.

In respect to hearings, all decisions of the Board must be by majority vote. The members examine reports submitted by the prison (pre-parole committee), the hearing examiner, and the executive secretary, all of which contain recommendations concerning the applicants. The Board may either accept or reject the recommendations.

In addition to the above reports, the Board considers all possible information about the offender that will help measure his readiness for release. This includes his criminal history, social background, institutional adjustment and significant changes in attitude, employment potential, circumstances of offense, and any physical and mental examinations that were made.

The prisoner is interviewed in person at the Parole Board hearing; however, as the hearing is not a re-trial of the case, legal counsel, prosecutors, witnesses, and relatives are not permitted to appear without first securing permission.

All applications for executive clemency are made to the Board, which has an investigation made of the crime for which the applicant was convicted and of the applicant's own social and personal circumstances. The Board, or a majority thereof, approves applications for executive clemency and advises the Governor as to recommended action.

Table E-2
Parole Activity
1976 - 1977

Date	Number of Paroles
July, 1976	24
August, 1976	28
September, 1976	21
October, 1976	16
November, 1976	31
December, 1976	26
January, 1977	24
February, 1977	17
March, 1977	26

	Parole Hrgs	Parole Viol. Ret. to MSP	Parole Viol.Re-Paroled	Publ Hrgs	Dis-cussion Cases
July, 1976	28	3	0	1	8
Aug., 1976	35	9	0	0	8
Sept., 1976	31	3	0	0	3
Oct., 1976	44	7	0	0	9
Nov., 1976	37	9	0	0	9
Dec., 1976	27	12	1	0	10
Jan., 1977	37	5		0	5
Feb., 1977	27	11	0	0	12
Mar., 1977	27	6	0	0	10

Commutations - none
Pardons - 4 signed by Governor
Discharges from supervision - 9

Montana State Prison

Figures contained in this section reflect various fiscal years depending on what information was available.

Construction of the new Montana correctional facility was completed in early 1977. Located six miles west of Deer Lodge, Powell County, it was designed to accommodate an inmate population of 334 male offenders. However, the actual number of inmates has exceeded the number projected (334) and with a current count of 533 inmates, it is necessary to keep the old institution open to house the "overflow." By continuing to use the old institution in combination with the new, the prison has been able to place all inmates in permanent quarters. All temporary and outlying housing has been eliminated.

The new prison represents a change from a custodial-industrial maximum security environment to an educational, training, and treatment environment.

Medium-minimum personnel (ranch and craft inmates) are now housed in one area. This centralized housing lends itself to centralized control, which is highly desirable for a correctional facility.

Female inmates continue to be processed and classified at Deer Lodge but are housed elsewhere. Their permanent placement is now in question as York, Nebraska, has declined to continue accepting them after July 1, 1977. All female inmates now placed at York must be out by December 31, 1977. As of April 1, 1977, 11 females were incarcerated in various facilities.

The old, walled fortress physical plant has a four-tier, eight cell block unit. Facilities remaining at the old institution include a school building, food service building, infirmary, and industries and maintenance complex.

Additional facilities at the new prison include a dual-purpose gymnasium/theatre. The gym was moved from its old location inside the walls to its new location. A multi-purpose floor was laid, and pull-out bleachers were installed.

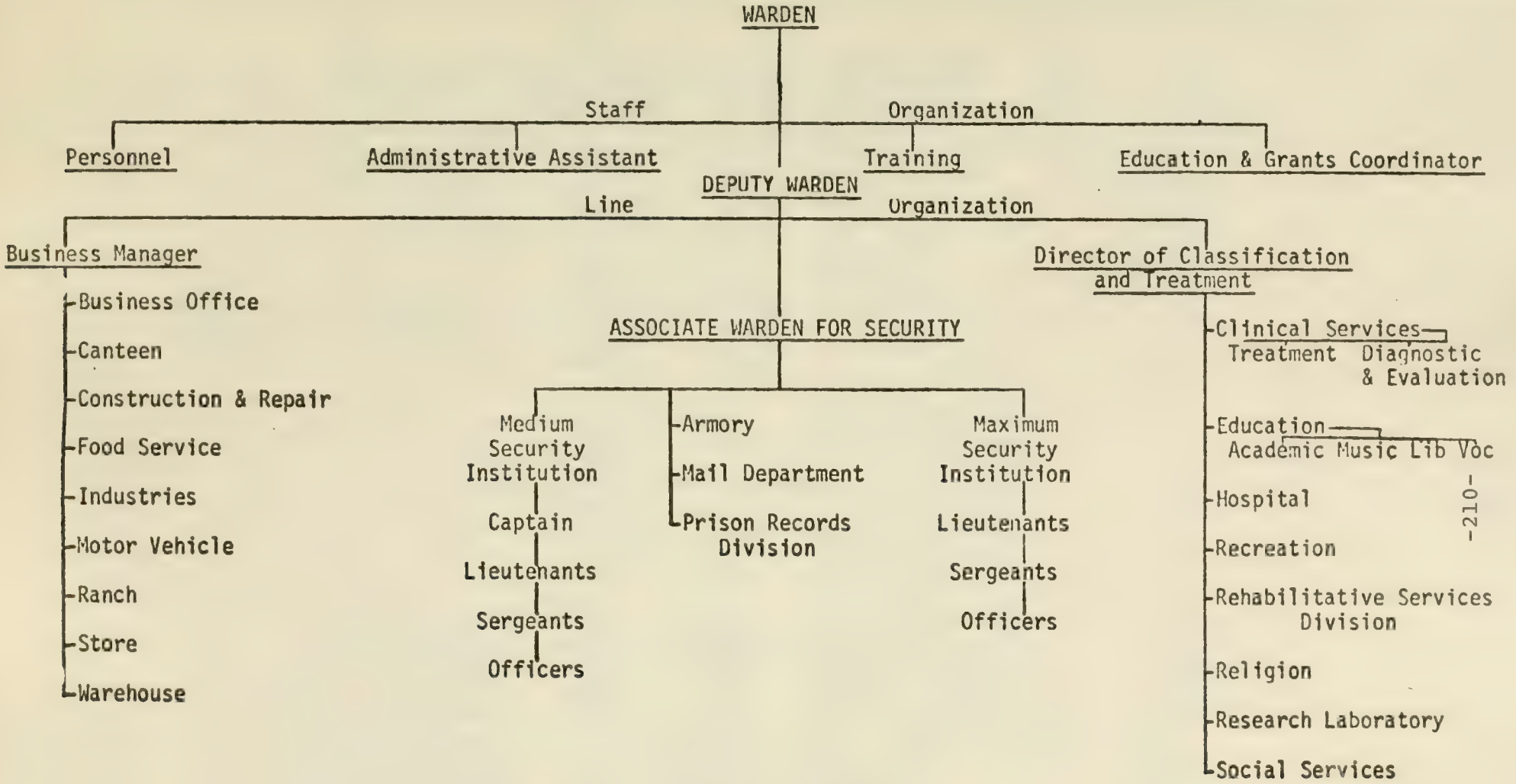


Illustration E-1
ORGANIZATION OF MONTANA STATE PRISON

The services provided within both the old and new complexes include religious programs, vocational and academic educational programs, recreation, and medical, psychological, social, and rehabilitative services. Public and private agencies contribute to the total services program. The organizational structure of Montana State Prison (IllustrationE-1) shows the services provided by the major departments.

The 33,000 acre ranch will continue to be an asset to the prison. Ranch operations include growing hay and grain, maintaining pasture lands, keeping a 200-head dairy herd, one of the most modern in the state, and maintaining a 2,200 head beef cattle herd, a swinery, and a slaughterhouse. The ranch operation is primarily geared to supply the prison and most state institutions with beef, pork, and meat by-products. Secondarily, the ranch serves as a vocational training ground. Efforts continue to implement programs to train the inmates in such vocations as beef herdsman, or feed lot or dairy industry technician. It is felt the ranch provides an ideal setting in which an offender can learn to become a productive member of society. Other inmate programs include:

Secondary Education Program - This program offers complete adult education, encompassing students from grades one through 12 under the direct supervision of qualified teachers. A self-study program for the GED certificate is also available, allowing inmates to progress on their own or under the supervision of an education counselor.

Post-Secondary Education Program - In January, 1973, the Prison implemented a post-secondary education program for inmates on a pilot basis. The results for the limited number of courses offered reflected a grade distribution fairly equal to students in a university setting. After exploring this as a possible means of inmate rehabilitation, the administration felt that the program should be maintained, and since then, the program has been continued and enlarged. In September, 1975, an Associate of Arts Degree was included.

The program is felt to be a success primarily because it meets needs of the young offender and may provide the incentive which may make possible that change in his life that the rehabilitator seeks.

Programs for correctional employees include:

Professional Development Training

The Crime Control Division funded the Prison's staff training programs to enable staff to have professional officer knowledge of the correctional process and human behavior.

The FY75 program was a result of improvements over the FY74 program. The new employee is required to complete a 40-hour Employee Orientation Course. A Probationary Correctional Officer is required to complete the 56-hour Correctional Officers' Basic Course, which is specifically designed to teach the new officer what his job involves. These two levels of training are state funded and are scheduled to be completed during the officer's probationary period. Experience has shown that the Prison's greatest attrition occurs during the first 18 months of employment and is primarily linked to low salaries.

The Basic Professional Development Training Course is given correctional officers after 12 months of employment. Funded by the Crime Control Division, it consists of 160 hours of intensified, specialized classroom training and practical seminars. The courses are taught by University of Montana professors, local professionals, and in-house specialists. An Advanced Professional Development Training Course consisting of 32 hours of specialized training was developed late in FY74 as an annual requirement for those officers with more than two years of tenure who have successfully completed the other levels of training.

Post-Secondary Education Program

A Law Enforcement Education Program (LEEP) is now in its seventh year for the correctional staff. This program is sponsored by the University of Montana on an extension basis, with the courses given in Deer Lodge at the Powell County High School. The original program has been improved to offer an Associate of Arts degree for correctional officers. Two staff members have gone to complete BA degrees in sociology after participating in this program.

Class participation is approximately 20 students each quarter with an average total involvement of approximately 50 LEEP students. The courses are open to the public, and each class normally has four to six community people enrolled.

Table E-3
Secondary Education Program

	1976	1977(Budget)
Cost - Education	$26,397.95	$33,179.00
Number enrolled in academic classes	143	162
Number G.E.D. certificates granted	47	28
Number taking correspondence courses	2	2

Vocational Education Program

Vocational education programs are available to the inmates in culinary arts, meat cutting, and auto mechanics. Two new programs, welding and electronics, are scheduled for implementation during FY 1977. Shops have been constructed at the new site and are awaiting equipment installation.

In 1976, 56 inmates were enrolled in vocational training courses. Four vocational training programs were sponsored by the state in 1976.

Table E-4
Program Cost Summary
Montana State Prison Budget
FY 1975-1976

	FY 1975	FY 1976*
Administration	$ 196,361	$ 231,954
Care & Custody	1,852,124	2,269,141
General Services	920,851	782,167
Education	62,681	173,227
Ranch	723,836	896,219
Bureau of Identification	32,241	46,770
Plate Manufacturing	43,154	1,018,535
Inmate Training	158,538	
Food Services		516,826
TOTAL PROGRAMS	$3,989,786	$5,934,839
Personal Services	$2,599,002	$3,210,590
Operating Expenses	1,236,992	2,223,687
Equipment & Livestock	153,792	470,025
Capital Outlay		7,144
Accounting Entity Transfers		23,393
TOTAL BY CATEGORY	$3,989,786	$5,934,839
General Fund	$2,568,636	$4,107,262
Earmarked Revenue Fund	43,154	918,535
Federal & Private Revenue	262,379	174,870
Ranch Revolving Account	-0-	734,172
Federal Revenue Sharing	1,115,817	-0-
TOTAL FUNDING	$3,989,786	$5,934,839

*Through July 15, 1976

Table E-5
Manpower
Staff-Inmate Ratios FY 1976

Category	Ratio
Correctional Staff	1:2.62
Treatment	1:49.53
Medical	1:57.79
Teachers	1:28.30
Support	1:4.52
Overall(234.25:346.72)	1:1.48

Correctional Systems

City-County Jails

Montana's local jails are independent of any statewide authority. Each community having a jail is required to construct, operate, and maintain the facility and auxiliary programs through local administration.

Montana law states: "There must be built or provided and kept in good repair in each county, one common jail, at the expense of the county, at the county seat."

To determine the condition of local jails, a survey was conducted between February, 1973, and March, 1974, on the physical condition of 56 county or consolidated jails, 40 city or county-branch jails, and five Indian tribal jails. In 1976, a mini-survey of county jails was conducted by field representatives of the SPA.

The surveys found most jails in fair to poor condition (generally, however, tribal jails are newer and better equipped than most city and county jails) although the condition of all jails varies considerably.

There is a continuing trend in Montana for consolidation of jail facilities. A 1977 survey shows there are 45 county seats with consolidated jail facilities. Ten maintain a separate facility from that of the city.

Due to poor conditions, one county jail was closed and two were condemned.

Three communities are in the construction stages of new jails.

Age of the Jail Facilities

Year of Construction	County**	City*
Before 1900	9 (16%)	3 (8%)
1900 through 1919	21 (38%)	8 (20%)
1920 through 1939	10 (18%)	6 (15%)
1940 through 1959	2 (3%)	7 (17%)
1960 through 1976	14 (25%)	10 (25%)
Year Unknown		6 (15%)

* 1973-74 Survey
**1976 Survey

Capacity of the Jails

Total bed capacity of the county jails was found to be 1,121; city jails 310.

Bed Capacity	County Jails**	City Jails*
Fewer than 10 beds	15 (25%)	29 (72%)
10 - 24 beds	27 (49%)	8 (20%)
25 - 39 beds	6 (11%)	3 (8%)
40 or more beds	7 (12%)	--

A total of 348 prisoners were incarcerated in county jails on the dates of the survey visit. There were 35 present in the city jails visited.*

Admission Procedures and Recordkeeping*

Five county jails and 24 city jails are operated only as short-term lockup facilities; prisoners are not held for longer than 48 hours, and admission procedures are minimal. The remaining jails will hold prisoners for longer periods of time.

Admission Procedures for Long-Term Prisoners Include*

	County	City
Recording of health information	12 (21%)	--
Prisoner weigh-in	5 (9%)	--
Mandatory shower	26 (46%)	5 (12%)
Issue of jail clothing	26 (46%)	1 (3%)
Issue of sheets or mattress cover	19 (34%)	7 (17%)
Issue of a mattress	all	all
Issue of blankets	all	all

Physical and Mechanical Aspects*

Heating	County	City
Adequate	40 (71%)	27 (68%)
Poor	13 (23%)	7 (17%)
Ventilation		
Good	11 (20%)	15 (38%)
Fair	21 (37%)	5 (12%)
Poor	24 (43%)	14 (35%)

* 1973-74 Survey
**1976 Survey

Lighting	County	City
Good(20 ft.-candles)	9 (16%)	8 (20%)
Fair(10-20 ft.-candles)	30 (54%)	16 (40%)
Poor(10 ft.-candles)	17 (30%)	10 (25%)

Electrical Hazards

Thirty-six county jails and 15 city jails have unprotected light fixtures in detention areas, or other hazardous electrical wiring conditions.

Floor space - Twenty-three county and eight city jails do not meet the requirements of 50 square feet of floor space for each potential occupant. Some have four bunks in cells with as little as 60 square feet of floor area.

Fire Safety*

Detention facilities by their nature present a special fire danger. Jails for the most part are of non-combustible construction, but bedding and other combustible contents are a hazard. Nine of the jails reported the occurrence of jail fires in recent years, and one fire resulted in a death.

Only eight (14%) county jails and eight (20%) city jails had no noted deficiencies in fire safety provisions.

Housekeeping and Maintenance*

Many of the jails rely in whole or in part on the inmates to clean the detention areas. Varying degrees of staff supervision and inspection are employed. In some cases trusty prisoners also do minor maintenance or painting chores, but as a rule inmate duties are limited to general housekeeping. Proper cleanliness and sanitation are hampered in many of the jails by poor design and by general deterioration of the building interior.

*1973-4 Survey

Cleaning and Housekeeping Duties	County	City
Chiefly by prisoners	35 (62%)	13 (32%)
Chiefly by staff personnel	7 (13%)	9 (23%)
Building janitor	14 (25%)	3 (8%)
Cleaning observed to be inadequate	27 (48%)	12 (30%)
Jail not easily cleanable	22 (39%)	7 (17%)

Laundry*

Many of the small jails and lockups have only blankets to launder. Others regularly launder blankets, sheets, towels, and jail clothing. In most cases the laundry is sent to a commercial establishment.

Laundry Facilities	County	City
Laundry facilities provided in the jail	11 (20%)	1 (3%)
Prisoners wash clothing in their cells	6 (11%)	1 (3%)
Laundry done outside the jail	26 (64%)	24 (60%)

Medical Coverage for Inmates*

None of the jails has a full-time jail physician. In one county the full-time health officer provides medical coverage for the jail part-time, and the remaining jails obtain medical care in the following ways:

	County	City
Physician "on-call"	37 (66%)	17 (42%)
Available physician at a local hospital or clinic	10 (18%)	9 (23%)
County nurse "on-call"	3 (5%)	2 (5%)
No medical care available locally	5 (9%)	12 (30%)

Separation of Prisoners

Juveniles

Forty-seven county jails segregate juveniles from adults, three do not, and five do not hold juveniles.

Ten city jails segregate juveniles and nine do not hold juveniles.

*1973-4 Survey

Twenty-nine county and two city jails reported foster home care is available for the detention of juveniles.

Twenty-two county and four city jails reported that juveniles are allowed to attend school while in jail. Others surveyed stated that this problem was not applicable to them.

Dependent and/or neglected children are kept in 12 county jails and in three city jails. Other city facilities surveyed noted that this problem was not applicable.

The juvenile court uses the jail as a deterrent to delinquency by placing juveniles in jail over the weekend in 33 county jails and eight city jails surveyed.

Adults

Felons are kept separate from misdemeanants in 18 county jails and in four city jails. In 37 county jails, they are not kept separate.

Five of the county jails surveyed and two of the city jails keep sentenced prisoners separate from those awaiting trial or disposition. This was not applicable to the remaining jails.

Sentenced drunks are kept separate from other prisoners in 19 county jails and in nine city jails. Two of the jails do not separate them. The remaining jails have only an overnight detention facility.

Persons Experiencing Alcohol Withdrawal or Drug Intoxication

Since drunkenness is no longer a criminal act, law enforcement personnel must take persons who are inebriated or experiencing alcohol withdrawal to a medical facility, assuming there is no criminal offense involved. Medical facilities may refuse to accept these persons, and in that case they are returned to the jails.

Persons experiencing drug intoxication or withdrawal are usually taken to medical facilities, but if this is not possible, a physician is brought in.

All jails will hold prisoners for other cities and counties. In 46 counties, federal prisoners are held in the county jail. Ten city jails keep federal prisoners overnight only.

The counties reported a total of 298 sworn law enforcement personnel and 125 non-law enforcement personnel.

Thirteen cities reported a total of 326 officers and 79 other personnel, mostly clerical. The law enforcement personnel of both counties and cities all share the duties of jailer. Very few of the jails surveyed had designated certain persons as full-time jailers.

When female prisoners were held, the matron in many cases was the sheriff's or deputy's wife.

Periodic shakedown of the cells and cell block area is a common practice and efforts are made to do this inspection at irregular times to avoid establishing a pattern the inmates recognize.

Most jails have a double door locking system which provides additional security. When it is necessary to enter the cell block area for feeding or admitting another person, the general practice is to utilize two officers whenever practicable.

Although statewide figures are in some cases approximate, the 1973-74 jail survey shows that between July 1, 1973, and June 30, 1974, some 10,271 persons were incarcerated in city and county jails for an average stay of 15 days.

In a recent survey conducted by the SPA field representatives, all counties responded and provided information related to their jails. Pertinent information revealed in the study is as follows:

QUESTION	Yes	No	No Response
1. What type of coverage do you have when the jail is occupied?			
a. Constant coverage during the day and occasional checks on inmates at night	19		
b. Occasional checks on inmates during both day and night	12		
c. Constant coverage 24 hours	24		
2. Who fulfills the function of jailer during the day while the jail is occupied?			
a. Jailer	19		
b. Sheriff	18		
c. On-duty peace officer	14		
d. Dispatcher	4		
3. Who fulfills the function of jailer during the night while the jail is occupied?			
a. On-duty peace officer	30		
b. Jailer	13		
c. Dispatcher	7		
d. Sheriff	5		
4. Please indicate the type of training program utilized by the jail (may check more than one)			
a. Pre-service training for new jail personnel conducted by department	4		
b. On-the-job training for new jail personnel	35		
c. Bureau of Prisons Operations and Management Training Courses	4		

	Yes	No	No Response
d. In-service (special classes, etc.) training for all jail personnel	12		
5. What is your average number of inmates per day?			
a. Under 1	9		
b. 1 - 40	37		
c. 10 - 40	6		
d. Over 40	3		
6. Are persons charged with non-criminal offenses (for example, traffic cases) detained before trial?	12	16	27
7. Is there a written manual of procedures and policies governing jail administration and procedures for staff?	28	27	
8. Are the following facilities available in your jail?			
a. Operating flush toilets	55		
b. Kitchen and food preparation facilities	30	25	
c. Dining room	11	44	
d. Education facilities	3	52	
e. Indoor recreational facilities	12	43	
f. Outdoor recreational facilities	0	55	
g. Interview room	30	25	
h. Showers	50	2	3

Juvenile Correctional Institutions

Swan River Youth Forest Camp

In 1967, legislation created the Swan River Youth Forest Camp, established as a cooperative effort between the Department of Institutions and the State Forester. Since then, the Division of Vocational Rehabilitation has also become involved in the rehabilitation program. The institution is charged with the care, custody, and rehabilitation of boys aged 16 to 25 who have been transferred from Pine Hills School or the Montana State Prison. Legislation passed in 1975 prohibits courts from making direct commitments to the Camp.

The dramatic rise in Montana's adult prison population and subsequent overcrowding of the facilities in Deer Lodge have resulted in a decrease in the number of youths held at Swan River. New commitments of juveniles to the Camp was reduced to two in FY1977. However, Pine Hills School for Boys transferred 31 youths to the Camp last year, indicating that a significant number of youths are still being held with adults at the facility. The screening of juveniles and adults placed at the Camp has been very effective, and the negative aspect of mixing juvenile offenders with young adult offenders has not been realized.

There appears to be no legitimate reason for altering the population the Camp is now serving. However, overcrowding of Montana's adult facilities is forcing the Camp to be an adult correctional facility. It is this movement that will likely accomplish the operation of adult and juvenile offenders at Swan River Youth Forest Camp.

The institution, which has a rated capacity of 50, maintains an average daily population of 46.5. This is up from the population of 40 during FY1976 and is a considerable increase from 1972 when the Camp had an average population of 24. The Camp has the shortest median length of stay for Montana's correctional institutions at 5.7 months. The fact that residents are mostly transfers from other institutions accounts for this.

The annual per capita cost is $10,578 or $29 daily. The total fiscal budget for the Camp is $531,873, which includes federal funds (Division of Vocational Rehabilitation and ESEA Title I). Full-time employees number 21, with a resident full-time employee to client ratio of 2.21:1.

Federal funds established a special educational program which includes a teacher and an assistant. The three areas of emphasis are remedial work, special needs, and preparation for the graduate equivalency examination (GED). This program increases the probability of residents' success upon release.

Vocational programs are among the core concerns of the Camp. Teaching good work habits is considered more important than teaching a trade, although residents are given experiences with as many different types of work as possible in the isolated environment. The residents work with the state Forestry Department in all areas of timber management except marketing. Other activities are: fire prevention, suppression, and control; first aid; search and rescue; and, limited equipment operation and maintenance. Camp residents develop and maintain public campgrounds in the surrounding recreational areas and improve and maintain Forest Service roads and bridges. The residents' work completed for the Forest Service last year was valued at more than $75,000.

Job evaluation and assessment are obtained from the vocational rehabilitation counselor on a limited basis. Plans are being made for more in-depth and complete evaluation and assessment. The vocational rehabilitation counselor also assists with training and employment placement upon release of the resident. Also involved in the program are eight other counselors with an average caseload of six residents. The Mental Health Clinic in Ronan accepts referrals in order to provide complete diagnostic services and in-depth professional counseling.

The Camp boasts a recidivism rate of 12% for the first five years of operation and a recent study shows that 80% of the releases are "making it" on their first release.

Both program and Camp setting present opportunities for personal involvement, self-work, and increasing self-respect for the young man. This provides for the return to society of a well-adjusted, healthy person who can make correct decisions and positive contributions.

Table E-6
Swan River Youth Camp

Physical Capacity:

Education Capacity - 50
Dormitory Capacity - 50
Food Service Capability - 50

Staff: 21

Table E-6 (Continued)

Program	Full-time Equivalent
Administration	4.00
Care and Custody	12.00
General Services and Physical Plant	4.00
Education & Training	1.00
TOTAL	21.00

Average Enrollment - 46.5
Average Length of Stay - 5.7 months
Student/employee ratio - 2.21:1
Cost per student day - 29
Cost per student year - $10,578

Table E-7
Total Operating Plan and Average Population
Summary

	Total Cost	Average Population
FY 1970	235,975	30
FY 1971	203,109	26
FY 1972	258,027	25
FY 1973	224,748	41
FY 1974	253,000	40
FY 1977	531,873	46.5

Table E-8
Budget

Swan River	FY78
Administration	
Personal Services	$ 74,685
Operating	14,282
	$ 88,967
Care and Custody	
Personal Services	$222,803
Operating	125,654
	$348,457
Developmental	
Personal Services	$ 59,049
Operating	35,400
	$ 94,449
TOTAL	$531,873

Table E-9
Swan River Clients

Follow-up from start of project through April, 1973:

Fiscal Year	Gainfully Employed, Closure	No. Referred
1969	0	69
1970	6	33
1971	14	34
1972	26	38
1973	40 est.	70 est.

Closed as gainfully employed through fiscal year 1972 - 46 clients

Attempted follow-up.....46
Successful personal adjustment.....31
Employed same job.....10
Employed other appropriate job.....15
College on G.I. Bill..... 1
Training under B.I.A..... 1

Returned to institution:
Montana State Prison..... 1
Montana State Hospital..... 1
Deceased..... 1
Unemployed..... 4
Whereabouts unknown.....11

Unsuccessful case closures - 2
1 deceased, hit and run accident
1 in prison in California

Mountain View School for Girls

The Mountain View School for Girls was established in Helena in 1919 as an extension of the Boys and Girls Industrial School at Miles City.

The school is charged with the care, education, and rehabilitation of girls between the ages of 10 and 21 who are committed to the Department of Institutions as adjudicated delinquent youth. Youth in need of supervision may not be committed to Mountain View School.

Mountain View School is within the Corrections Division of the Department of Institutions. The institution has a rated capacity of 75 and an average daily population over the last five years of 69, 65, 59, 66, and 74. The population dropped to 46 (average) in the past fiscal year. The average length of stay was 10.2 months compared to 8.6 months in FY1976 and 9.1 months in FY1975.

The cost of keeping a girl at Mountain View is $23,573 annually or $64 per day. The current employee-student ratio is 1:.72 with the full-time staff out-numbering the average student population by 18.

The reduction in population at Mountain View has prompted changes in the basic program. Beginning July 1, 1977, the school is handling boys committed to the Department for evaluation purposes. This is Montana's first attempt at combining delinquent boys and girls in a correctional institution and the impact is being carefully monitored.

Table E-10
Mountain View School

Physical Capacity:

Educational - 75
Dormitory - 80
Food Service - 90

Staff: 66

Program	Full-time Equivalent Personnel
Administration	5
Care & Custody	36
General Services & Physical Plant	12
Education & Training	12.86
Total	66.86

Caseload

Average population - 47.6
Average length of stay - 10.2 months
Student/employee ratio - 1:.72
Cost per student day - $64.00
Cost per student year - $23,573

The Social Services Department consists of a director, three caseworkers, a psychologist, and a half-time psychiatrist. Drug and alcohol counseling is provided by the Southwest Montana Drug Program.

Individualized treatment and counseling programs are emphasized. The function of the department has expanded in recent years with the increased use of pre-adjudicatory evaluations. Youth Courts may use the institution for evaluating a girl or boy prior to making a final disposition.

Involvement in the community is a major part of the rehabilitation process of Mountain View. In 1975, all the girls participated in an off-campus program involving some 1,900 student trips to town during the year. The girls have also worked as teachers' aides and nursery school aides, and nurses' aides at St. Peter's Hospital, the Masonic Home, and Western Care Nursing Home. Two girls attended Carroll College as part-time special students; others attended Helena Vo-Tech.

Individual treatment of the residents is maintained throughout the rehabilitation program whenever possible. This includes counseling, education, and discipline procedures. The emphasis of the entire treatment and rehabilitation program is on the improvement of the girls' self-images and on the development of self-control.

The Group Life Department consists of a director and 21 cottage parents serving in three cottages.

To allow the old administration building to be used exclusively for the school program, a long-vacant cottage building was remodeled, eliminating the necessity of constructing a new school building.

The Education Department consists of a director, eight full-time teachers, and two part-time teachers. The use of student teachers from Carroll College has been very helpful in providing individualized instruction. The increase in staff has allowed the curriculum to expand to over 40 courses, including Black studies, Indian studies, drug abuse education, ceramics, and the principles of parenthood.

Table E-11
Mountain View School for Girls
Operating Cost

	FY77
Administration	
Personal Services	$170,108
Operating	72,819
Equipment	17,287
	$260,214
Care and Custody	
Personal Services	$414,056
Operating	88,004
Equipment	3,200
	$505,260
Developmental	
Personal SErvices	$299,400
Operating	42,243
Equipment	12,572
	$354,215
Community Services	
Personal Services	$ 11,784
TOTAL	$1,131,473

Table E-12
Mountain View School
New Commitments

Larceny	2
Shoplifting	1
Forgery	3
Drugs	2
Arson	1
Criminal Mischief	14
Probation or Parole Violation	16

The statistics shown above indicate that significant progress has been made toward the deinstitutionalization of status offenders. Although youth in need of supervision (status offenders) cannot be committed to the institution, the offense of probation violation is deemed a delinquent offense and can be used for commitment.

The 16 probation violations shown as new commitments is down over 50% from the previous year. Indications are that courts have virtually stopped using probation violation as a commitment offense, and it is expected that very few of these commitments will occur during FY78.

Pine Hills School for Boys

Pine Hills School for Boys was established by the Legislature in 1893. It is located near Miles City on 360 acres of land. Pine Hills School is charged with the care, education, and rehabilitation of boys between the ages of 10 and 21 who are adjudicated delinquent.

The institution has a rated capacity of 150 and an average daily population in the years 1972-76 of 120, 117, 127, and 126. In FY 1977 the average daily population was 135. The annual per capita cost for keeping a boy at Pine Hills School is $14,067, which represents a daily rate of $38.54. The ratio of employees to students is 1:1.24.

Table E-13
Pine Hills School
FY 1977

Physical Capacity:

Educational Capacity - in excess of 250
Dormitory Capacity - 150
Food Service Capability - in excess of 250
Heating Plant Capability - sufficient for 2 more cottages

Staff: 109

Program	Full-time Equivalent
Administration	8.0
Care & Custody	40.5
General Services & Physical Plant	22.5
Education & Training	22.0
Farm	4.0
Clinical Services	12.0
TOTAL	109.0

Average Enrollment - 135
Average Length of Stay - 8.7
Student/employee ratio - 1.24/1
Cost per student per day - 38.54
Cost per student per year - $14,067

Table E-14
Pine Hills Budget

PINE HILLS SCHOOL	FY77
Administration	
Personal Services	$314,989
Operating	199,019
Equipment	16,203
	$450,211

Table E-14 (Continued)

	FY77
Care and Custody	
Personal Services	$614,140
Operating	104,427
Equipment	3,044
	$721,611
Developmental	
Personal Services	$578,808
Operating	27,513
Equipment	7,807
	$614,128
Community Services	
Personal Services	$ 12,117
Farm	
Personal Services	$ 54,014
Operating	33,540
Equipment	13,500
	$101,054
TOTAL	$1,899,121

The Department of Institutions has since taken steps to prevent the abuse of evaluation services.

The Group Life Department consists of a director, assistant director, and 31 full-time group life counselors. There are seven lodges on campus, four of which have houseparents. The security and discipline lodges have three full-time men each and a full-time counselor who provides individual treatment for the residents of these two lodges. There are also nine full-time night supervisors who replace the houseparents.

The security cottage (Clark Lodge) has been plagued with problems for the past several years. The 1977 Legislature approved the construction of a replacement lodge, and appropriated approximately $900,000 for this activity.

Marcus Daly Cottage has been turned into a minimum security lodge in order to give each boy maximum privacy. Special privileges are afforded the boys in this cottage.

The Education Department consists of a director, an assistant director, and 18 full-time teachers. Another full-time position is federally funded. In recent years, a physical education building and the vocational training building have been built to supplement the school buildings. The school has been fully accredited since 1968.

An individualized program is planned for each resident including six hours of classroom study per day.

Most delinquent boys arriving at Pine Hills are school dropouts, unmotivated for further education and one to three years' educationally retarded. The objective is to stimulate the students' desire to seek additional knowledge.

The teachers must aid these students in obtaining one to three years of educational skills in a short period, so the students will not fail in the public education system when released. About 75% of the boys in the institution are three or more grade levels below average in reading skills. A special program has been implemented at the school to assist those boys.

A 3,000-acre farm is operated by Pine Hills School. The farm provides the institution with meat, milk, and most vegetables. This operation not only reduces the cost of institutionalization but also provides work experience for the residents, few of whom have developed work skills. Work experiences include care and use of farm equipment, meat processing and beef production, knowledge of planting and crop production, and dairy management.

The school operates a host of off-campus activities including attending movies in Miles City, bowling, swimming, basketball, football, tennis, and dances.

Pine Hills School attempts to rehabilitate each resident by changing his faulty and negative attitude and helping him gain self-confidence. The overall philosophy is that each staff member is a therapist playing a significant role in modifying behavior.

Table E-15
Pine Hills School for Boys
New Commitments

Offense	Number
Robbery	12
Assault	6
Burglary	27
Larceny	13
Auto Theft	19
Forgery	12
Rape	1
Sex Offense	1
Drugs	3
Criminal Mischief	8
Probation Violation	7

Status Offenders

The practice of committing status offenders to Pine Hills School for Boys has virtually ceased. The figures on new commitments indicate that only seven probation violators (possible status offenders) were committed in FY77. Six of these were committed prior to December, indicating that the practice has been significantly curtailed.

Bureau of Aftercare

The Bureau of Aftercare is charged with the supervision of individuals who have been released from Mountain View School, Pine Hills School, and Swan River Youth Forest Camp, or committed directly to the Department of Institutions.

In 1977, the Bureau consisted of a bureau chief, program director, training coordinator, data processing clerk, two accounting clerks, 16 counselors, and three secretaries. The average caseload per counselor in FY74 was 28.3.

Table E-16
Bureau of Aftercare

Staff: 19

Program	Full-time Equivalent
Administration	3
Clerical	6
Counselors	16
TOTAL	25

No. of Clients (start FY 1972) - 522
(end FY 1972) - 660
(end FY 1973) - 502
(end FY 1974) - 535
(end FY 1977) - 453

Average No. of Clients per counselor - 28.3
Cost per client per day - $2.68
Cost per client per year - $977.00

Table E-17
Budget

Aftercare	FY77
Administration	
Personal Services	$100,342
Operating	47,838
Equipment	1,442
	$149,622
Treatment and Intensive Care Unit	
Personal Services	$320,777
Operating	103,664
Equipment	15,800
	$440,241

Table E-17 (Continued)

	FY77
Foster Homes	
Operating	$177,140
District Youth Guidance Homes	$251,000
Group Homes	
Operating	$152,392
Equipment	2,000
	$154,392
Individual Living	
Benefits to Individuals	$ 16,010
Staff Training	
Personal Services	$ 18,384
Operating	13,280
	$ 31,664
Hearings	
Operating	$ 9,000
Interstate Compact	
Operating	$ 3,600
Educational Programs	
Operating	$ 13,000
Offender Based State Corrections Information Systems	
Operating	$ 46,021
TOTAL	$1,291,690

The Bureau's budget in FY1977 was $1,291,690, which included administrative costs, salaries, travel, supplies and individual living, and foster care payments.

Due to the inadequacies of the home environments of many adjudicated delinquents, the Bureau uses foster home and group placements as resources. The Bureau currently operates four group homes which it administers and of which it is the sole source of funding. Placements are limited to youths who are wards of the state. The Bureau funds 75% of the cost of 10 district youth guidance homes, which are operated by non-profit community organizations and administered by the Bureau. Youths who need supervision or are juvenile delinquents are placed here. However, since these facilities have the option of rejecting placements, the afore-mentioned group homes serve as back-up facilities for placement of youths not accepted by the district youth guidance homes.

Table E-18
District Youth Guidance Homes
Examples of Costs

Location	Capacity	#of Boys In Program to 3/30/73	#of Days to 3/30/73	Cost Per Day Per Child
Missoula	10(boys only)	17	1747	$11.22
Polson	10	13	1296	9.98
Great Falls	10	14	2143	10.76
Shelby	8-10	14	1279	13.36
Helena	8(accepts girls only)			

Average Total Occupancy - 58
Average Occupancy - 8
Average Daily Cost Per Child - $11.33

Expenditures To March 30, 1973

	Shelby	Great Falls	Missoula	Polson
Personnel	5518.41	8235.09	11534.07	11179.68
Travel	212.05	674.79	540.72	450.00
Equipment	1475.11	6688.55	6410.40	3186.21
Supplies & Other	9884.26	14155.66	12471.41	8762.40
Total	$17,089.83	$29,734.09	$30,956.60	$23,578.29

Total to March 30, 1973 - $70,898.32(1)

The foster home program served over 11,000 child care days last year with a median length of stay of 212 days, or seven months. The daily per capita cost was $3.61. The group home program cost $11.81 per child care day.

Table E-19
Foster Home Program

Amount - $40,112.23
Average Length of Stay - 7 months
Daily per capita cost - $3.61
Number of homes - 60 (statewide - 1 child per home)

Foster care homes are private homes licensed and funded by the Bureau of Aftercare for providing adequate care to juveniles released from institutions.

One privately owned group foster care home is operating in Butte. It has a rated capacity of 10 boys.

Juveniles released to Bureau of Aftercare are placed in various types of programs. Training programs, on-the-job training, and work placements have always been of major importance. College placements have increased in importance as a major part of Aftercare's resources. The legislature has provided 16 possible placements within the state university system for these youths. Over 50% of the youths entering this program over the last four years are either still attending or have graduated.

Table E-20
Aftercare Caseload 1973-74

Referral Source:	MVS	PHS	SRYFC
Youth in Program 6/73	89	127	31
New Cases	60	91	21
Reinstated	29	34	30
Total Received	89	125	51
Revoked	15	41	13
Discharged	34	53	32
Replaced	8	14	5
Total Released	60	108	50
Youth in Program 7/74	118	144	32
Return Ratio	8.4	16.3	15.9

The Bureau of Aftercare has also established a community based evaluation program available to local youth courts.

The Youth Evaluation and Diagnosis Unit in Great Falls was established in July, 1975. The objectives of the Youth Evaluation Program (YEP) are:

1. To provide the referring agency a comprehensive evaluation and treatment plan for the youth; to enhance his functioning, whether in extra-parental placements, in his home, or in the community at large

2. To provide a minimum security group home environment for the youth which is conducive to evaluation and to positive treatment of the individual

Subsumed in the achievement of the YEP objectives are numerous goals:

1. To research, compile and prepare a complete social history of the youth

2. To obtain medical examinations, reports and required medical services

3. To obtain dental examinations and dental services as necessary

4. To obtain any required visual testing and necessary optical equipment

5. To obtain tests of hearing and provide any necessary services

6. To secure a complete psychological evaluation performed by qualified professionals

7. To secure any psychiatric evaluation and/or treatment which may be indicated as necessary

8. To provide individual and group counseling in an ongoing manner

9. To provide for ample recreation, social and leisure time activities for youth in residence

10. To observe and provide evaluation regarding a youth's functioning within the residential setting

11. To insure and provide for the educational and cultural needs of the youth

12. To act as positive leadership and role models for youth in residence

13. To provide for the supervision of the youth in residence and insure their individual security

14. To provide opportunities for youth employment and occupational training, as possible

15. To provide opportunities for the positive development of talents and skills possessed by the individual

16. To utilize community resources for the maximum benefit of the youth in a community based setting

The target population for the YEP includes youth in need of supervision, selected delinquent youth, and youth in need of care who are between the ages of 12 and 18. The youth in need of care are referred for evaluation from the Department of Social and Rehabilitation Services, and are generally from the cohort of youths who are in need of services and who were, or would be, residents of the Montana Children's Center at Twin Bridges. It is expected that evaluation will provide a tool for the maintenance of the youth in the least restrictive environment and will offer an alternative to institutionalization.

Indian Criminal Justice Systems

Within its boundaries, Montana has seven Indian reservations of 10 tribes, covering 13,042.8 square miles or 8.8% of its total area, and including approximately 36,443 Indians or about 4.8% of the state population. The 1970 census is the most recent source of figures for Indian reservations, and while an up-to-date total state population estimate is available (753,000) the percentage of Indians and populations of reservations are based on 1970 figures because up-to-date Indian figures are not available.

Illustration F-1 shows reservation locations. Tribal enrolees migrate to and from these reservations and many maintain their status while not actually living on the reservations. Montana's Indian population ranks sixth among the states.

All of the tribes have experienced large population increases in recent years. As a result of an annual growth rate of about 1.5%, nearly 60% of Montana's Indians are 25 years of age or under, with the median age estimated to be 22.5 years.

Data gathered from within the reservations reveals serious problems involving a large percentage of Indian youth. The reservations do not have access to facilities which would meet their needs. Reservation juvenile courts, foster and protective care programs, and shelter facilities are non-existent or inadequate to meet the needs of the countless abandoned and dependent children. The fact that the Indian population is rising sharply and becoming younger undoubtedly will compound the seriousness of the situation. Drugs and alcohol, and drug- and alcohol-related criminal offenses are extremely serious matters on the reservations.

While Indians constitute 4.8% of the total state population, Indian inmates in the Montana State Prison account for 13% of the total prison population. See tables

Each of the reservations has a governing body legally constituted as a unit of local government. Though similar in nature, each has elements that contrast it with the others concerning membership rules for enrolee status, procedures for doing business, and overall mechanics of handling their individual judicial prevention and enforcement services. For purposes of criminal justice planning and grant assistance, each is classified as a unit of local government and as such is eligible to apply to the SPA for funds.

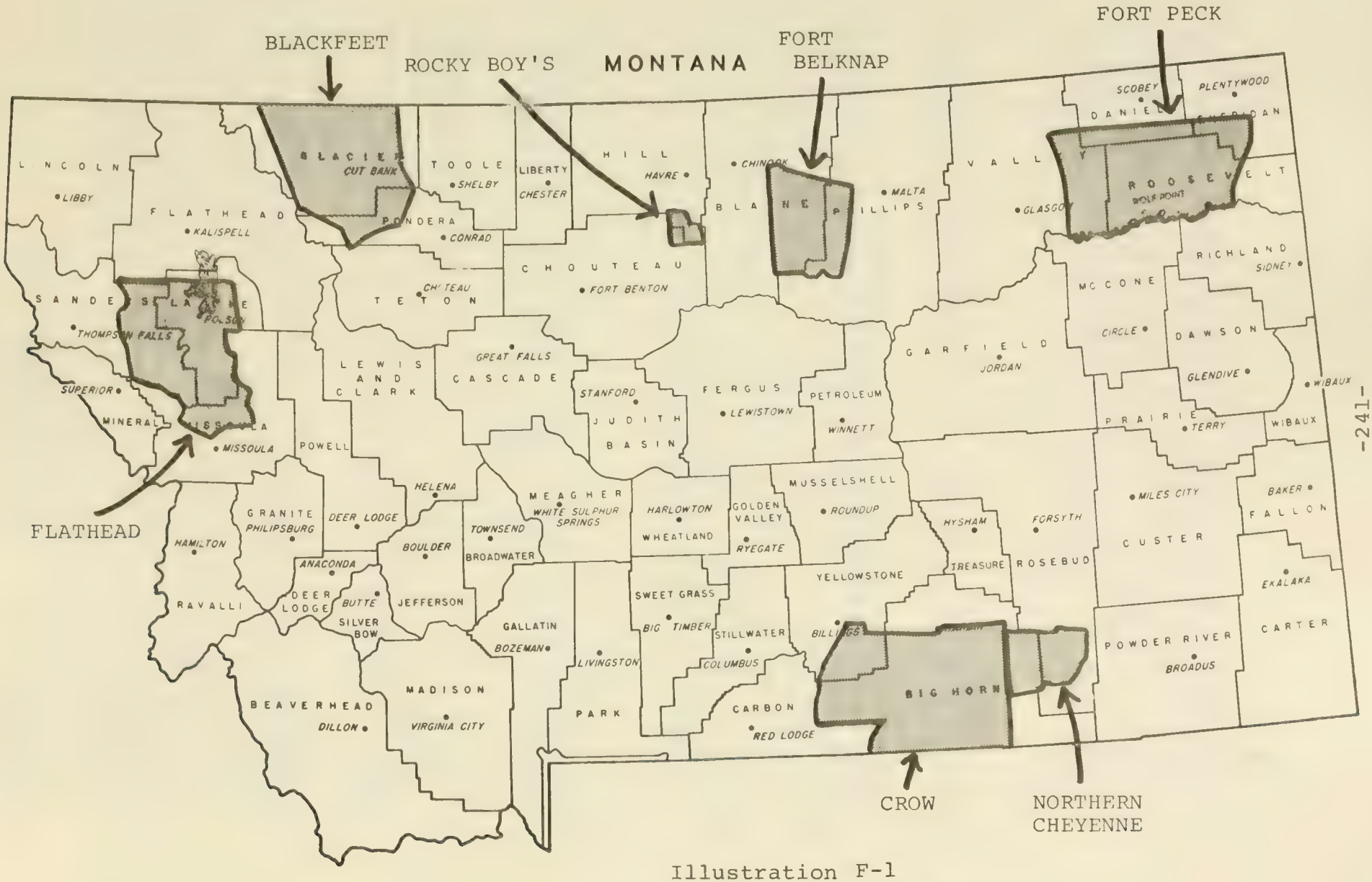


Illustration F-1
Location of Indian Reservations

As autonomous governmental units, the reservations are not integrated, as far as their criminal justice systems are concerned, with state, county, city, or local criminal justice systems except where there is a con-current or cross-deputization arrangement.

The following represents a condensed view of each Indian reservation as it relates to its criminal justice system.

The Flathead Indian Reservation

The Flathead reservation (615,709 acres) is located in northwestern Montana, covering approximately 2,200 square miles of valleys, mountains, and wilderness country. It is the home of the Confederated Salish and Kootenai Tribes, with headquarters at Pablo. The population is 15,494, including 5,800 Indians. Approximately 55.2% are under 20 years of age and approximately 2,980 enrolled members of the tribe live off the reservation. The principal sources of income are timber and leases.

There is a governing body of 10 members, following a constitution and by-laws consistent with the powers of self-government conferred upon Indian tribes by the U.S. Congress under the Indian Reorganization Act (IRA) of 1934. Several standing committees assist the council in decision making.

In 1964, the Flathead reservation granted limited concurrent jurisdiction to the state of Montana, as permitted by PL 280, reserving sole jurisdiction in most civil and some criminal categories of law. The Confederated Salish and Kootenai Tribes have a Law and Order Code and the court system consists of one chief judge and three associate judges who act in the absence of the chief judge or on an appeal. Efforts to help improve tribal court administration nationally have been led by the North American Indian Judges Association, funded by LEAA.

The enforcement division of the Tribal Law and Order Program consists of one chief of police and 10 police officers. Enforcement services on the reservation are broad in that they not only cover enforcement of the Law and Order Code, but are consistently used in "helping" situations. The department also has a criminal investigation officer employed by the Bureau of Indian Affairs (BIA), who presides over crime prevention programs and investigations of federal crimes, a police clerk, and three jailers hired through the Emergency Employment Act. The chief of police uses Peace Officer Standards and Training (POST) standards in hiring. Ten officers have graduated from various law enforcement academies. Other training is received from the BIA, Highway Patrol, and county sheriffs. There is partial cross-deputization with Missoula

County and the city of Ronan. Relations with federal and state government is good. Cooperation between the tribal police and adjacent towns and counties is good. The tribal police department is manned 24 hours a day.

The 1976 budget for the tribal law and order program was $110,000. Individual members of the Confederated Salish and Kootenai Tribes voted to request the Tribal Council to pay 90% of profits from tribal enterprises as per capita payments and to use 10% of that income for operating expenses on the reservation. The facilities provided for law enforcement are minimal.

The Blackfeet Reservation

Bordered on the north by the Canadian province of Alberta, most of the land is made up of high rolling plains, containing 1,525,712 acres, two-thirds of which are still controlled by the Blackfeet people. The Blackfeet tribe numbers about 13,000; half live on the reservation along with approximately 400 non-member Indians and some 2,000 non-Indians. There is a governing body similar to that of the Flathead reservation.

The tribal police department on the reservation provides a 24-hour operation with three regular and one overlapping shift. The police department has one full-time chief of police and 11 sworn patrolmen. One is designated a juvenile officer and two are criminal investigators. In addition, the BIA provides one special officer whose diversified services include criminal investigation and in-service training for the tribal police. Four of the tribal policemen are graduates of the Roswell Indian Police Academy and all officers took part in law enforcement training programs funded by LEAA. In-service training is infrequently conducted. No incentive is offered to encourage more education in the field of law enforcement.

The Blackfeet Tribe has a law and order code which recently has been revised. The court system consists of one chief judge, two associate judges, a juvenile judge, prosecutor, and clerk. During FY1975 the Blackfeet Tribe received a discretionary grant for $230,274 from LEAA to construct a juvenile correction center for counseling and working with young Indians, keeping them in their own environment.

Rocky Boys Reservation

Located in north-central Montana, this reservation is the home of the Chippewa-Cree. Of the seven reservations, it has the smallest area (107,613 acres) and the smallest population (1,483 Indians, 260 non-Indians).

The law and order budget, furnished by the BIA, is $193,504. The tribal police force consists of 12 officers, eight sworn. Ten are tribal police, two from the BIA. The department is manned 24 hours a day. There is reciprocal deputization with the two bordering counties. Six officers have graduated from various police schools. In-service training is conducted periodically by the BIA, city, Highway Patrol, and Border Patrol. The entire criminal justice system is operated as a joint contract between the Tribe and the BIA. Relations of the Tribe with federal and state government are good.

The court system consists of a chief judge and associate judges. The reservation exercises jurisdiction over Indians and non-Indians who enter and violate laws on the reservation.

Fort Belknap Reservation

The Fort Belknap Reservation covers an area of approximately 626,959 acres in north-central Montana. It is the home of the Gros Ventre and Assiniboine Tribes. The present enrolled membership is 1,483, with 246 non-Indians. Half the Indian population lives off the reservation.

Fort Belknap's tribal police force consists of a full-time chief, four full-time patrolmen, one part-time patrolman, a communications dispatcher, and a clerk. Five tribal officers have graduated from Brigham City Police Academy.

The governing body consists of 11 representatives, organized under the IRA. There is a Law and Order Code, a chief judge, two associate judges, and a clerk of court.

Fort Peck Indian Reservation

The Fort Peck reservation covers more than 2,093,124 acres, less than helf still owned by Indians. Two tribes, the Assiniboine and the Sioux, live on the Fort Peck, which is located in the north-eastern corner of the state. The population of 3,740 Indians and 6,492 non-Indians is concentrated in four communities in the extreme southern part of the reservation. The town of Poplar is headquarters for the tribal government.

The Fort Peck Indians have a Tribal Executive Board and General Council as their governing body, consisting of 12 voting members. They did not accept the Indian Reorganization Act but their constitution has been approved by the BIA.

The law and order program includes a chief of police, lieutenant, four patrolmen, three trainee-patrolmen, one trainee police woman under the Emergency Employment Act, a specially designated juvenile officer, a resources manager, and three detention guards who work for the BIA. They have cross-deputization with two adjacent counties.

There is a tribal Law and Order Code, one chief judge, two associate judges, and a court clerk.

The Northern Cheyenne Reservation

The Northern Cheyenne Reservation, totaling 444,147 acres, is in south-eastern Montana. Of the 2,914 enrolled tribal members, 1,500 live off the reservation. About 150 Indians of other tribes live on or near the reservation. Lame Deer is the reservation headquarters. The Northern Cheyenne tribe organized in 1936 under the IRA. It has a governing body represented by 15 voting members.

Judicial prevention and enforcement services on the Northern Cheyenne reservation are similar to those of the other reservations. There is one agency special officer who works for the BIA, a captain of police, two lieutenants, five patrolmen, and one rural police officer, the latter funded by LEAA. Four officers have graduated from police academies. There is in-service training weekly, conducted by the BIA, city and county officers, Highway Patrol, FBI, and a federal probation officer. Relations between the Indian tribe and federal and state government are good. In October, 1975, the tribal council passed a resolution taking jurisdiction over non-Indians. The tribal court system consists of a chief judge, two associate judges, and a court clerk. They have a tribal Law and Order Code.

The Crow Reservation

The Crow reservation, located in south-central Montana, consists of 3,500,000 acres. Approximately 15,000 persons, including 100 non-Indians, reside within its boundaries. The Crow Tribe was not organized under the IRA. In June, 1948, the Tribe adopted a written constitution, under which it has a general council form of government in which every adult enrolled member has a vote. One hundred or more tribal members constitute a quorum. There is no representative tribal council.

The Crow Tribe supports a modern police department consisting of a chief of police, whose position is provided by the BIA, a tribal assistant chief, a lieutenant, a sergeant, six patrolmen, four radio-telephone dispatchers, a jailer, and a cook. Ten officers have graduated from police academies. In support of the criminal justice system, the BIA provides an agency special officer, juvenile officer, and clerk-stenographer.

The Crow Tribal Court is closely patterned after the organizational plan described in title 25 of the Code of Federal Regulations as "Courts of Indian Offenses," which were established by the Interior Department pursuant to a federal statute. The federal regulations also provided that where a tribal council establishes its own tribal and/or court ordinances, its actions will be controlling and will supersede the applicable federal regulations. The Crow Tribe is in the process of drawing up a tribal Law and Order Code. The Crow Tribal Court consists of chief judge, two associate judges, probation/parole officer, and court clerk. The Crow Tribe constructed a new courthouse, completed in August, 1975, where all court personnel are housed.

In the following pages, Table F-1 shows characteristics of Native Americans incarcerated at Montana State Prison, Table F-2 shows offenses and arrests on Montana Indian reservations for 1976, and table F-3 gives an itemization of subgrants awarded the reservations in the years 1975-1977.

Table F-1
Characteristics of Native Americans
Incarcerated at Montana State Prison
March, 1974*

Total Native Americans Incarcerated	87
Percentage of all prisoners incarcerated (five-year average 1967-72)	36%
By Type of Crime	
Violent	36
Sex Crime	8
Non-Violent	43
Average Length of Sentence	14.5 years
Average Time Served	1.5 years
Average Age of Inmate	24.0 years
Average Educational Level of Inmate	8th grade

Reservations Represented	Number of Inmates
Flathead	18
Fort Peck	11
Blackfeet	9
Crow	5
Fort Belknap	3
Rocky Boy's	3
Landless	16
Out of State	22

* Source: Profile of the Montana Native American, August, 1974, prepared for Coordinator of Indian Affairs, Helena, Montana, by Urban Management Consultants of San Francisco, Inc.

Table F-2
Offenses on Montana Indian Reservations
1976*

	Number of Offenses	Percent Cleared by Arrest	Crime Index Offenses Per 100,000 Population
STATEWIDE			
Major Offenses against Persons	1585	64.9	210.5
Major Offenses against Property	30552	23.8	4057.4
Other Offenses	16413	33.7	2179.7
Total	48550	28.5	6447.5
All Reservations			
Major Offenses against Persons	155	59.2	638.3
Major Offenses against Property	273	42.4	1124.2
Other Offenses	314	57.7	1293.0
Total	742	45.8	3055.4
Blackfeet			
Major Offenses against Persons	46	91.3	764.1
Major Offenses against Property	98	97.9	1627.9
Other Offenses	7	85.7	116.3
Total	151	95.3	2508.3
Crow			
Major Offenses against Persons	3	33.3	72.4
Major Offenses against Property	19	0.0	458.5
Other Offenses	3	4.5	72.4
Total	25	4.0	603.3

* Source: Criminal Justice Data Clerk - Montana Board of Crime Control

Table F-2 (Continued)
Offenses and Arrests on Montana Indian Reservations
1976

	Number of Offenses	Percent Cleared by Arrest	Crime Index Offenses Per 100,000 Population
Flathead			
Major Offenses against Persons	32	31.2	1073.8
Major Offenses against Property	69	34.7	2315.4
Other Offenses	129	64.3	4328.9
Total	230	50.8	7718.1
Fort Peck			
Major Offenses against Persons	3	66.6	66.0
Major Offenses against Property	10	80.0	220.1
Other Offenses	1	0.0	22.0
Total	14	71.4	308.2
Fort Belknap			
Major Offenses against Persons	6	33.3	295.7
Major Offenses against Property	16	6.2	788.6
Other Offenses	2	50.0	98.6
Total	24	16.6	1182.8
No. Cheyenne			
Major Offenses against Persons	56	83.4	1814.6
Major Offenses against Property	49	36.7	1587.8
Other Offenses	170	99.4	5508.7
Total	275	85.0	8911.2

Table F-2 (Continued)
Offenses and Arrests on Montana Indian Reservations
1976

	Number of Offenses	Percent Cleared by Arrest	Crime Index Offenses Per 100,000 Population
Rocky Boy's			
Major Offenses against Persons	9	75.0	804.2
Major Offenses against Property	12	41.6	809.2
Other Offenses	2	100.0	134.9
Total	26	61.5	1753.2

Note: Population base for Crime Index is FBI estimate.

Statewide:	753,000
All Reservations	24,285
Blackfeet	6,020
Crow	4,144
Flathead	2,980
Fort Belknap	2,029
Fort Peck	4,543
No. Cheyenne	3,086
Rocky Boy's	1,483

The table on the following page lists subgrants received by each reservation (1975, 1976, and 1977 monies).

Table F-3
ITEMIZATION OF SUBGRANTS BY RESERVATION
1975 - 1977

Subgrantee	Grant Number	Program	Total
Blackfeet Tribe	75-63515	Youth Development	$ 3,060.00
	76-34355	Equipment	1,104.59
	TOTAL		$ 4,164.59
Salish-Kootenai Tribe	75-13495	Law School Intern	$ 1,574.10
	75-13636	Equipment	1,894.74
	75-13882	Communications	768.89
	76-14405	Jail Improvement	2,559.00
	77-14211	Training	429.10
	77-14404	Communications	9,084.89
	TOTAL		$ 16,310.72
Rocky Boy's Reservation (Chippewa-Cree Tribe)	75-DF-08-0013	Equipment & Manpower	$ 19,404.00
Fort Belknap	77-34412	Alcohol & Drug	$ 27,525.63

NONE FROM PART E

PART II

G - PROBLEM ANALYSIS

In May, 1977, the SPA planning staff met with the chairmen of the five Regional Advisory Councils (RACs) on two separate occasions. These meetings were held in order to develop problem statements and set priority objectives to be used in both budgeting and planning.

The process began with a statewide crime analysis to determine the greatest problems. The analysis indicated that property crimes committed by offenders under the age of 26 are the state's greatest crime problem.

To deal with this broad problem area, five problem statements for the criminal justice system were developed and assigned priority:

1. Proactive intervention is lacking

2. Workloads for criminal justice personnel are too heavy

3. The public lacks confidence in the criminal justice system

4. Criminal justice information is lacking or not readily retrievable

5. Property crime clearance rates are low

These five problems were then addressed as to substantive area of the system. The following objectives were developed and assigned priority:

Law Enforcement

1. To develop a planned, coordinated crime prevention strategy

2. To train officers in handling juvenile offenders

3. To restore public confidence

4. To use more efficient management techniques for resource allocation

5. To increase the productivity of administrators

6. To develop and sustain a coordinated information system

7. To increase clearance rates

8. To address problems that are unique to rural areas

9. To improve the quality of arrests to obtain a higher conviction rate

Juvenile Justice

1. To train law enforcement officers in handling juvenile offenders
2. To use deterrence programs to prevent delinquency
3. To decrease the workloads of juvenile justice personnel
4. To reduce juvenile recidivism with regard to property crimes
5. To provide detention-shelter care facilities for juvenile offenders
6. To improve existing conditions at juvenile institutions (facilities, workloads)
7. To complete a coordinated juvenile justice information system
8. To provide evaluation and diagnostic services
9. To ensure program coordination

Courts

Judicial

1. To reduce caseloads (civil, criminal)
2. To provide for lower courts training
3. To establish uniform sentencing practices

Prosecution

1. To reduce prosecutors' workloads
2. To increase productivity
3. To provide prosecutor training
4. To develop a coordinated prosecutors' information system

Defense

1. To provide uniform defense for indigents statewide
2. To provide for defense training

Corrections

1. To reduce correctional officers' workloads

2. To improve the condition of local jails

3. To coordinate corrections efforts with the other substantive areas

4. To assist the establishment of uniform sentencing practices

5. To assist offenders with job placement services

6. To provide correctional officers with training

7. To improve public relations

8. To complete a coordinated correctional information system

9. To determine and provide for prisoner needs

The objectives that were developed are discussed in various parts of this Plan. They are to be dealt with from various sources, i.e., local or state initiative, funding support, technical assistance, etc.

MULTI-YEAR BUDGET FOR ACTION PROGRAMS

MANPOWER		1978	1979	1980
A1	Replacement Manpower	-0-	10,000	10,000
A2	Post Graduate Employment	35,000	12,000	-0-
A3	Juvenile Probation	20,000	36,000	36,000
A5	Clinical Services	-0-	40,000	20,000
A23	Court Manpower	85,000	75,000	40,000
A24	Appellate Defender	-0-	40,000	40,000
	TOTAL	140,000	213,000	156,000
TRAINING				
B4	Out-Of-State	-0-	10,000	10,000
B5	Division of Corrections Training (Probation/ Parole)	5,000	5,000	2,500
B22	Judicial Education & Training (Both In-State & Out-Of-State)	25,000	35,000	35,000
B23	Juvenile Justice Training	20,000	60,000	60,000
B24	Prosecution Training	25,000	75,000	75,000
	TOTAL	75,000	185,000	182,500
EDUCATION				
C2	Public Education	25,000	25,000	25,000
	TOTAL	25,000	25,000	25,000
EQUIPMENT				
D1	Equipment	-0-	40,000	40,000
D4	Education Material (Prob./Parole, Criminal Codes, Handbooks for Youth, Court Procedural Handbooks, Police Commissioners, Visual Aids)	-0-	5,000	5,000
	TOTAL	-0-	5,000	5,000

		1978	1979	1980
FACILITIES				
E5	Local Jails	-0-	50,000	50,000
	TOTAL	-0-	50,000	50,000
WORKLOADS				
F4	Crime Analysis Unit	-0-	10,000	10,000
	TOTAL	-0-	10,000	10,000
OPERATING STANDARDS				
G1	Consolidation	-0-	80,000	50,000
G2	Target-Crime Areas	340,500	270,000	270,000
G7	Project Evaluation	25,000	50,000	50,000
	TOTAL	365,500	400,000	370,000
SERVICES				
H1	Community Crime Prevention	88,500	75,000	75,000
H2	Juvenile Intensive Counseling	5,000	15,000	15,000
H11	Juvenile Restitution	30,000	40,000	40,000
H12	Crime Lab	25,000	180,000	180,000
	TOTAL	148,500	310,000	310,000
INFORMATION SYSTEMS				
I1	CJS Information System	13,500	15,000	15,000
I2	Communications	60,000	60,000	60,000
I4	Statewide CJS Information Services	100,000	150,000	150,000
I5	Juvenile Information	7,500	20,000	20,000
I11	(2) Uniform Recordkeeping Manuals & Procedures Manuals	15,000	-0-	-0-
	TOTAL	196,000	245,000	245,000
	TOTAL PART C	950,000		

		1978	1979	1980
PART E				
P25	Alcohol & Drug Abuse Treatment	35,000	50,000	50,000
P30	Deferred Prosecution	37,500	50,000	50,000
P31	Juvenile Detention Renovation	42,500	-0-	-0-
	TOTAL PART E	115,000	100,000	100,000
	GRAND TOTAL	1,065,000	1,583,000	1,493,500

POLICE

MANPOWER - PROBLEMS AND NEEDS

In order for a police agency to provide 24-hour, seven-day minimum police services to a political jurisdiction, there must be a minimum complement of five officers. The ideal police system is based on a 10-man minimum department. This ideal system also considers a ratio of two sworn officers per 1,000 population to be desirable, although it must be recognized that in some jurisdictions a 2:1,000 ratio is not enough to handle the workload and in others it may be more than adequate. Sworn officer workloads and deployment should be at a level where officers can be released to attend training and handle special details or problems as they arise.

With Montana's large geographical size and small population the statewide ratio of sworn officers per 1,000 is 1.49. This problem is further complicated by an average density of one sworn officer per 133.6 square miles. Eighty-three percent of the state's law enforcement agencies have fewer than 10 sworn officers, and 61% have five officers or fewer. In the 10 high crime areas, the ratio of sworn officers per 1,000 is only 1.32:1,000.

Salaries for sworn officers should have a minimum base and be commensurate with civilian employment positions.

Sworn officers should not perform functions that can be handled by civilian personnel.

MANPOWER - GOAL

Twenty-four hour availability of police services to each legal jurisdiction in Montana

MANPOWER - OBJECTIVES

To establish and effectively deploy 10-man units to provide law enforcement service to each county with over 5,000 population by 1985

To encourage local governments to enter into inter-local agreements for cooperative police services

To train 60 volunteer auxiliary sworn officers by 1978 to assist with special deployment problems and unusual incidents that may arise

Manpower-Standards

Every local government shall provide for access to law enforcement service and response to law enforcement emergency situations 24 hours a day. (Montana Justice Project Standard 6.1)

The state of Montana shall, by 1978, enact legislation enabling peace officers to retain all the privileges and immunities from liability, all pension, insurance, salary, and other benefits to which they are normally entitled, when responding to and/or providing assistance to any other peace officer who has called for assistance (Montana Justice Project Standard 6.4)

Every local government should take whatever actions are necessary to provide law enforcement services through mutual agreement or joint participation where such services can be provided most effectively. (Montana Justice Project Standard 6.5)

Manpower-Priorities

In order to reach the goal of 24-hour availability of police services, several factors must be considered. A 10-man department is considered to be a minimal size for effectiveness and productivity. Most of any law enforcement budget is related to personnel. Local governmental bodies are already financially burdened. The number one priority is considered to be the encouragement of cooperative arrangements for police services. (See cooperative arrangements in Section A, Part II.)

Many sworn officers spend their time performing functions that could be handled by other agencies or civilian personnel. The second priority is to have non-law enforcement functions delegated either to other agencies or to civilian personnel.

The third priority will be to provide additional sworn officers as funds are available.

Manpower-Multi-Year Forecast

Twenty-two of Montana's 56 counties have some form of cooperative police arrangement. It is the intent of annual action program G-1 (G-1 is not budgeted for 1978, but is for 1979--see multi-year budget) to encourage 80% of Montana's counties to enter into some form of cooperative arrangement for police services by 1980.

Many officers in departments of fewer than 10 sworn officers would be unable to attend basic or specialized training at the Montana Law Enforcement Academy without the hiring of a replacement for the duration of the training. Every sworn officer should at least attend basic training.

Because of budget cutbacks, however, action program A-1 (replacement manpower) is not funded in 1978.

The multi-year forecast sees action program A-2 (post graduate employment) being phased out by 1980 because of financial limitations and the high cost of personnel. The amount of funds shown will be allocated to cover only those persons who are currently under the program.

Refer to the multi-year budget at the front of this section.

POLICE

Training - Problems and Needs

To reach and maintain a high level of police professionalism, each recruit should be required to complete at least 400 hours of basic police training, as referred to in the National Advisory Commission on Criminal Justice Standards & Goals (NCCJSG) Police Standard 16.3, prior to his/her first assignment with the agency. Current POST standards require a basic course of 280 hours and the new officer has one year from the date of his/her initial employment to satisfactorily complete this minimum training.

This ideal recruit training should include the basic skills of mass and personal communication, an overall understanding of the police function and preparation to investigate any crime, apprehension of the offender, and preparation of the case for prosecution.

In order to maintain effective performance capability for the duration of a sworn officer's career, every law enforcement agency should provide for 40 hours of in-service training annually (NACCJSG Police Task Force Standard 16.5).

Juveniles account for approximately 30.5% of the arrests for the seven index crimes. Five of the 10 law enforcement agencies referred to in the high crime incidence section have an officer designated as a juvenile officer. He/she may have received only limited training in this specialized area.

Personnel policies of law enforcement agencies generally do not provide adequate standards for recruiting, training, and the career advancement of officers. POST is helping to alleviate this problem, but there is much that remains to be accomplished.

Many law enforcement administrators have either risen through the ranks or been elected to their position without the benefit of training in administrative skills. To assist in the development of modern police administration, specialized training should be made available or even mandated for these administrators. The POST Council and the Law Enforcement Academy were working to develop such a program, but have deferred any further action until a decision is made on mandatory management training.

About 60% of the peace officers in Montana are POST certified. About 10% of the law enforcement agencies are not meeting POST selection and training standards. There is an apparent need for POST to monitor local agencies and assist them in meeting POST standards.

Training - Goal

To insure that Montana law enforcement officers are of a professional character, competent, and capable of providing the police service the public expects

Training - Objectives

To require, by 1982, that each police (law enforcement) recruit receive a minimum of 400 hours of training prior to his/her first assignment

To have every law enforcement agency provide for 40 hours of in-service training for each sworn officer annually by 1980

To provide for full state funding of the Montana Law Enforcement Academy Bureau by 1978

To provide specialized management training for each newly elected or appointed law enforcement administrator within six months of his/her assumption of the position

To achieve 100% compliance with POST standards for selection and training by 1979

To provide training for at least one officer in agencies of 10 or more, in the handling of juvenile offenders by 1982

Training - Standards

All peace officers should receive 400 hours of basic training prior to assignment. (NACCJSG Police task force, 16.3)

Interpersonal Communications Training: (NACCJSG Police task force 16.4).

> "All peace officers within the state of Montana shall have successfully completed the minimum basic peace officer training course as established by POST prior to being sworn and exercising that authority."

Montana Justice Project Police task force 1.3:

> "The state of Montana shall, by 1978, provide for continued full funding of the Montana Law Enforcement Academy."

Montana Justice Project Police task force 1.5:

> "Every law enforcement agency shall provide a minimum of 40 hours of formal in-service training annually to sworn peace officers."

Training - Priorities

No law enforcement agency can function properly without the benefit of a good administrator. Proper management training is considered an essential element in the development of a good administrator. The number one priority at this time is to provide management training for all new law enforcement administrators.

The second priority is to continue to increase and broaden the scope of basic training a new officer receives.

The third priority will be to certify and document the level of in-service training that is being conducted within local law enforcement agencies.

Training - Multi-Year Forecast

A supervisory course has been developed and by the end of FY 1978 a "command and management" course will have been developed for the Law Enforcement Academy. By the end of 1980 it will be a mandatory course for all new law enforcement administrators.

By the close of FY 1980 the basic course at the Law Enforcement Academy will be expanded to 320 hours and will include more course material on interpersonal communications.

On November 1, 1976, the POST Council employed an assistant director to monitor local law enforcement agencies and assist them in meeting POST standards. At the close of FY 1980, POST will be able to certify and document 80% of the in-service training that is being conducted in Montana.

Training - Multi-Year Budget

Refer to three-year budget forecast page at the front of this section. Because of budget cutbacks, action program B-4 (out-of-state training) is not being funded in 1978.

POLICE

Education - Problems and Needs

The level of formal education that is necessary to perform the duties of a law enforcement officer in Montana is still a controversial subject. The broad geographic and demographic characteristics of the state do not readily lend themselves to an easy analysis of what level of formal education is necessary.

It was the feeling of the Montana Justice Project Police Task Force that law enforcement would evolve to the level of formal education it actually requires. At the present time the POST requirement is for a minimal education of a high school diploma or its equivalent. The Montana Justice Project Task Force felt that "at the present time, this level of formal education is sufficient." However, the profession is rapidly becoming more complex, and this is creating a need within law enforcement to obtain additional formal education.

Table A-19 (Comparative Montana Peace Officer Data) shows that the level of formal education has been steadily increasing over the last three years. The current average amount of formal education of officers attending the Law Enforcement Academy is 13 years, one month. The mean educational level of Montanans is slightly in excess of 13.3 years. Law enforcement must continue to increase its formal education level to at least that of the general population it serves.

Professional status is usually discussed in terms of higher education obtained beyond high school. Currently it does not appear to be feasible to mandate formal education beyond high school as a requirement for employment as a law enforcement officer in Montana. If Montana's law enforcement officers are to continue their quest for professional status it must be done on an individual basis. They must pursue an advanced level of education that imparts the requisite level of knowledge. Local governments should assist in their professional development by providing incentive pay or promotional benefits for college attendance. Local colleges and universities might consider scheduling related classes at more convenient times. It would appear that as the officers' level of expertise developed, their role could be better defined and non-law enforcement functions performed by civilian personnel. Several problems arise in this professional development in that there are 12 colleges and universities in the state and they do not conveniently serve the entire law enforcement population. Smaller cities and towns especially are unable to compete with private industry for the college educated in terms of pay and benefits.

Education - Goal

To increase the level of Montana's law enforcement professionalism

Education - Objectives

To increase the mean level of formal education of law enforcement officers to 14 years by 1980

To encourage the recruitment of college educated applicants in law enforcement agencies

Education - Standards

Refer to NACCJSG Task Force on Police; 15.1 and 15.2.

Education - Priorities

In order to raise the mean educational level of sworn officers, law enforcement agencies should immediately adopt a formal program of educational incentives to encourage peace officers to achieve a college-level education.

Law enforcement agencies should immediately pursue the affiliation of peace officer training programs with academic institutions to upgrade their level of training and provide incentives for further education.

Law enforcement agencies with 25 or more sworn officers should adopt, by 1980, educational standards in excess of two years or 60 semester units at an accredited college or university on the basis of a comprehensive study, which should involve, but not be limited to, a consideration of the changing level of education, availability of manpower, and acceptance level by the legislature and courts.

Education - Multi-Year Forecast

If the trend toward increased educational levels in the general population continues, these will be more of a manpower pool from which law enforcement agencies can recruit. The mean level of law enforcement education should continue to rise naturally.

It appears also at this time that the average age of law enforcement officers is remaining fairly constant. This may be an indication that younger officers are being recruited. More young people are attending institutions of higher learning and these younger officers with incentive pay may be more inclined to attend college classes than the older officers.

If advanced recruiting methods are applied and incentive pay offered for college attendance, the mean level of law enforcement education should easily rise to 14 years or 60 college semester units by 1980.

Education - Multi-Year Budget

Refer to the multi-year budget at the front of this section.

POLICE

Equipment - Problems & Needs

Each law enforcement agency should evaluate its officers' needs for personal and specialized equipment and develop written policies concerning conformity with policy standards and their use. Each agency should supply each officer with adequate equipment for his/her own protection and that of the public.

Uniforms and emergency vehicles which are easily recognized and identifiable as that of a police officer should be provided and equipped.

Specialized equipment should be readily available or available within the department depending on the nature of the equipment.

Every on-duty officer, for his/her own safety and that of the public, must be able to communicate directly with the control center. In smaller communities with small-sized law enforcement departments it becomes necessary to provide for 24-hour availability and contact with off-duty officers should an emergency arise.

Table A-19 indicates that between 70 and 75% of Montana's law enforcement agencies provide their sworn officers with uniforms and between 90 and 95% provide patrol vehicles. A problem exists in that very few law enforcement agencies have written equipment policies concerning uniformity, interchangeability, or adequacy.

It appears that all patrol vehicles now have been equipped with multiple-frequency mobile radios. Centralized purchasing for communications equipment has been established through the State Communications Division. A State Communications Plan has been developed and is in operation. A repeater system has been designed and is almost complete across the state. This repeater system will make possible communications capabilities in areas where there previously were none. Engineering assistance for communications system design is now available through the Communications Division.

Even though modern communications technology is being applied around the state, a problem still exists in some areas in relation to manpower shortages. There are some law enforcement agencies in the state that must rely on officers' spouses, hospital emergency rooms, telephone operators, or private citizens' homes for communications and calls for emergency services during certain hours of the day. Unfortunately these people are untrained in the use of the emergency telephone, dispatch, or sophisticated communications equipment.

Montana has the LETS network administered by the state which provides for rapid inter- and intra-state as well as national communication. A comprehensive study is being conducted on information system needs. One aspect of this study is determination of the feasibility of a centralized state information system tied to local agencies through the LETS system.

Specialized investigative equipment is available in most law enforcement agencies, except where the equipment is not of an emergency nature or not cost-beneficial. Equipment of this nature is usually available somewhere in the planning region; i.e., polygraph, special training equipment, bomb disposal, etc.

The SPA has established recommended minimum standards for equipment for the officer, the car, the department, and regional resources.

With the ever-changing role of law enforcement and the increasing sophistication of criminal resources, new technological needs are continuously arising and equipment resources have to be expanded to increase the efficiency and effectiveness of police services.

Equipment - Goal

Each law enforcement agency should have available adequate equipment for the protection of its officers and the public. Specialized investigative equipment should be available as needed.

Equipment - Objectives

To have all sworn patrol officers easily identifiable while on duty, by 1980

To maintain constant communications capability with each sworn officer while he/she is on duty, before 1979

To provide for the availability of the latest developments in specialized equipment as the need arises

To provide for automated information systems if the need and feasibility is demonstrated

Equipment - Standards

Refer to NACCJSG Police Task Force Report Standards 21.1, 21.2, 21.3, 22.1, 22.2, 23.1, 23.2, 23.3.

Equipment - Priorities

As pointed out in the problem analysis, there are still some jurisdictions in the state that do not have 24-hour command centers, nor a sworn officer on duty at all times. This is occurring in smaller departments and the need is to provide for a 24-hour law enforcement dispatch center and the immediate ability to contact an off-duty officer in case of an emergency. The number one priority in the equipment area is an overlap with manpower needs -- 24-hour availability of police services.

Especially in the high crime incidence areas of the state, it becomes very important to make available the latest in technological advances. New methods of operation coupled with advanced technical applications can help offset manpower shortages and increase the productivity of the available manpower when applied in a well-planned manner.

Equipment - Multi-Year Forecast

Many of the local governments that do not provide their sworn officers with uniforms or marked vehicles are those local governments with small law enforcement agencies. With the completion of the local government review process it is anticipated that for financial and other reasons law enforcement services may be provided through cooperative agreements with other law enforcement entities that can provide for recognition of their officers.

With the rapid increases in law enforcement communications technology, the application of methods used by the business community for years and the necessity for this technology transfer due to the increased demands for law enforcement services, local governments will, by 1980, take the necessary steps to provide for instant communications with their officers while on duty.

Equipment or hardware needs for information systems will be more fully discussed in the information systems section of the multi-year plan.

Equipment - Multi-Year Budget

Refer to the multi-year budget at the front of this section. Because of budget cutbacks, program D-1 (equipment) is not being funded in 1978.

POLICE

FACILITIES - PROBLEMS AND NEEDS

Most law enforcement facilities in the state were built in the late 1800s or early 1900s and were constructed in conjunction with the local jails. The physical condition of these buildings is more thoroughly discussed in the city-county jail section of this plan.

Sporadic remodeling has occurred, but as a rule new concepts in the design of police facilities were not incorporated into the remodeling. This was usually due to a lack of space and finances.

Now it is becoming apparent, with Supreme Court rulings on law enforcement and with public apathy and hostility to the police, that the lack of adequate facilities is a very real handicap to efficient police operations.

Modern facilities should include a pleasant working environment, easy access for the public, and protected interrogation and evidence rooms. Administrative offices should be easily accessible and not crowded. Pre-trial detention areas should allow adequate space and privacy for attorney-client conferences.

Construction of modern law enforcement facilities is usually too costly for most local governments, but such facilities are essential to improved law enforcement.

When feasible the consolidation of facilities and support services among local governments will eliminate the duplication of inadequate services and provide an increased financial source for construction or renovation of facilities.

Refer to the Technical Assistance section of this Plan for assistance in the planning and design of a modern law enforcement facility.

FACILITIES - GOAL

Modern law enforcement facilities that are designed to meet the changing needs of law enforcement and the public it serves

FACILITIES - OBJECTIVES

To improve the physical condition of local law enforcement facilities in the 10 high crime areas by 1982

To assist local government in the planning and design of modern law enforcement facilities

To have located sources of funding for construction or renovation of law enforcement facilities as soon as the planning process is completed

Facilities - Standards

No standards were consulted in this problem analysis. Planning information is based on Supreme Court Decisions and recommendations for facility design from the National Clearinghouse for Criminal Justice Planning and Architecture, University of Illinois at Urbana.

Facilities - Priorities

Local government should investigate the conditions that exist in their law enforcement facilities. Are they adequate in terms of health, safety, fire, employee environment, security and legality? Are they physically sound? Are they designed to serve the public law enforcement is there to protect?

Whatever decision is reached (to construct or renovate a law enforcement facility) individuals knowledgeable in the design of such a facility should be consulted for recommendations.

Facilities - Multi-Year Forecast

Modern law enforcement facilities will be constructed or existing facilities renovated in four counties of the state.

It is anticipated that 10 counties will submit requests for technical assistance in the planning and design of modern law enforcement facilities.

Facilities - Multi-Year Budget

Refer to the multi-year budget at the front of this section. Because of budget cutbacks, program E-5 (local jails) is not being funded in 1978.

Workloads - Problems and Needs

It is apparent in Montana that there will be no rapid increase in the number of sworn officers available.

Industry has recognized for years that there is a maximum workload for employees, after which point productivity tends to decline. The maximum workload for the different law enforcement functions has yet to be precisely defined. The Rand Reports* attempt to do so in the investigative process and several POST Councils are attempting to do so.

Law enforcement agencies experiencing increased demand for service are going to have to examine their role in the community and evaluate their operational structure and deployment techniques to obtain the greatest output from the least amount of input.

Departments faced with increasing workloads must be able to justify requests for additional personnel. This may require identification and quantification of the actual workload and level of police service required.

In terms of effectiveness and productivity, the allocation of patrol resources has a fundamental relationship to crime repression, prevention, and deterrence and investigation efficiency. Proper allocation may mean the difference between a high crime rate and a lower one, and can affect clearance and closure efforts. Response time and the more equal distribution of the workload are also dependent on effective allocation and distribution of resources.

Any attempt at this point to examine officer workloads in Montana would be of little real value. A comprehensive study would have to be undertaken in selected jurisdictions. At this time, the only pertinent data the SPA has is the number of events or incidents, time of day, and seasonality trends for arrests. The primary factor in a workload study is determination of the actual time expended on all activity by members of the different divisions.

The number of sworn officers available to answer calls for service is also not reliable because a cursory examination indicates there are many sworn officers serving as jailers or dispatchers, and performing administrative functions that could be handled by civilian personnel.

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* The Criminal Investigation Process, Vol. I: Summary and Policy Implications, Rand, 1975, p. iii.

Supplementary manpower should assume the responsibility for support services and some administrative functions to the maximum extent possible. Sworn trained personnel should be limited to patrol, investigation, and law enforcement duties. If at all possible, many calls for service should be referred to other social service agencies. The police can no longer fill the role of handling every problem that is brought to their attention.

A superficial examination of police agencies indicates there are many that do not have any formal organizational structure. Without some formal structure it is almost impossible to fix any responsibility for activity.

Tried methods of manpower deployment should be initiated; i.e., geocoding and crime analysis. Here again a cursory examination shows only two or three departments are using only a superficial crime analysis technique. Many law enforcement agencies do not use available data to identify high crime problems and areas, let alone supply tactical deployment techniques to those areas.

Workloads - Goal

To increase the productivity of existing trained sworn officers

Workloads - Objectives

To use, whenever possible, supplementary personnel in place of sworn trained officers

To maximize the use of shared resources with other law enforcement and government agencies

To initiate formal structuring for the best use of available manpower

Workloads - Standards

NACCJSG Report on Police, Standards 8.1, 8.2, 8.3, 9.1, 9.2, 9.3, 9.5, 9.6, 9.7, 9.8, 9.9, 9.10, 9.11, 10.1, 10.2.

Workloads - Priorities

To reduce officer workloads, the first activity should be to utilize supplemental manpower to the maximum extent possible and relieve trained sworn officers of non-police functions.

Techniques should be formalized to deploy available manpower when and where it will produce the most results.

Workloads - Multi-Year Forecast

It is very difficult to make structural changes in organizations without having a backlash from personnel, especially where it entails moving individuals with considerable tenure. Once the initial change has been accomplished, annual review and modification is much easier, as the structure should not require major revisions. With the reluctance to make drastic revisions, it does not appear there is too much activity in this area except in the top four high crime counties where organizational revision is fairly continous to meet the changing environment. In the smaller police agencies, especially those with fewer than 10 officers, an informal organizational structure may be more desirable.

In the top four high crime counties activity is progressing toward programs of formalized crime analysis and should be operational within the next three years.

Workloads - Multi-Year Budget

Refer to the multi-year budget at the beginning of this section. Because of budget cutbacks, program F-4 (workloads) is not being funded in 1978.

POLICE

Operating Standards - Problems and Needs

While it would be desirable to have the criminal law clearly express effective and enforceable limits of conduct, the fact that it does not always do so requires the police to exercise a great deal of discretion in enforcing the law.

Usually only a police officer makes a decision on when or whether to take a person into custody. The officer must rely on the language of the law as interpreted by the judiciary and refined by informal direction from his agency and local prosecutors. This authority places the individual police officer among the most important decision-makers in our society. Only in the police service is such tremendous authority delegated without administrative guidelines.

Every police agency should acknowledge the existence of the broad range of administrative and operational discretion that is exercised by all police agencies and individual officers.

Clearly defined operational policies are necessary for effective administration, planning, and liaison with the public and other agencies. Policy embodies the philosophies, principles, attitudes, values, and intentions of management. Policy is different from rules and procedures. Policy should be stated in broad terms to guide employees. It sets limits of discretion. Rules and procedures significantly reduce or eliminate discretion by stating specifically what must or must not be done.

If a policy is not in writing, it cannot be considered firm, and personnel cannot be held strictly to it.

In order to establish firm policies, a police agency has to first define its role in the community it serves. This role must be accepted by the community, local government, and the agency itself.

Each agency should post written policies defining the duties, responsibilities, and activities of the agency and its personnel and present these policies to the public.

The results of the consumer surveys (see Crime Analysis section) indicate that the citizens of Montana may not have an understanding of the police role in their communities. In some cases it appeared that public apathy exists.

Law enforcement agencies that operate without public cooperation and support cannot operate at their full potential of effectiveness.

The consumer surveys indicated that from 30% to 35.9% of the crimes committed go unreported, primarily because the respondents felt reporting was useless, nothing would be done, and that the police do not respond quickly enough.

Law enforcement must take an aggressive role in improving communication with the media and the public. Operating standards should be set and enforced to insure communication with the press, response to citizen grievances, and participation in community affairs. The agency must insure that the community distinguishes proper police functions from the responsibilities of other agencies.

Without formal direction too much is left to an individual officer's discretion and interpretation as to what his responsibilities are and how he should respond in different situations.

Operating Standards - Goal

To clearly define operating procedures for police agencies

Operating Standards - Objectives

To clearly define the police role in Montana's planning regions by 1979

To encourage law enforcement to take an aggressive role in improving communication with the media and the public immediately

To assist local police agencies that have not already done so, in the 10 high crime areas, to formulate written policies concerning departmental operating standards by 1978

To reduce the amount of unreported crime to 25% by 1980. (Based on consumer victimization surveys)

Operating Standards - Standards

Refer to NACCJSG Police Report Standards 1.1,1.2,1.3,1.4, 1.5,1.6,1.7,2.1, and 2.2.

Operating Standards - Priorities

The main priority is to clarify the police role for the officers and the public they serve. In order to accomplish this the police role in the community has to be defined and formal policies established, written or unwritten, detailing operational standards. These standards then have to be communicated to the public.

Operating Standards - Multi-Year Forecast

The finalized Montana Justice Project standards will begin having an effect in the next three years on definition of the police role on both the state and local basis. Full implementation of these standards and recommendations will require the cooperation of the public, the media, and the elements of the criminal justice system.

Operating Standards - Multi-Year Budget

Refer to the multi-year budget at the front of this section.

POLICE

Information Systems - Problems and Needs

All criminal justice agencies will require substantially more information in the next 10 years. The information will assist them in apprehending criminals and reducing personal risk to arresting officers, will expedite handling of court cases, and will facilitate the effective treatment of offenders. It will aid in planning, organizing, directing, and evaluating activities for which statistical data is important.

Police information systems must be an integral part of the overall criminal justice information system. This will reduce duplication of effort and help keep costs down. A criminal justice information system will help keep track of individuals as they proceed through the criminal justice system. The needs of the various parts of the system are different, but there is duplication and overlap.

An integrated network of criminal justice information systems must be developed for collecting, processing, and disseminating data. Considerable use of the latest technology involving computers, telecommunications, and terminals will be required to operate a single, complete information network linking all criminal justice agencies. The network must operate on a 24-hour, seven-day-a-week basis. Even the smallest department should be able to take advantage of the services offered by such a network. This can be accomplished through radio or telephone access to the office of the nearest larger agency with terminal access to such a system.

Agencies developing or operating an information system must identify critical information needs and assign priority to them according to the requirements of the user.

The Automated Data Processing Center of the SPA Bureau of Research and Design has developed a statewide criminal justice information systems plan. The plan identifies individual system needs, makes recommendations on the use of automation, and provides long-range guidelines for the acquisition and use of computerized information systems for criminal justice agencies in the state.

Information Systems - Goal

An interrelated network of police information systems that provides accurate and timely information for police operations and administration

Information Systems - Objectives

To initiate implementation of the completed information systems plan

Information Systems - Standards

Refer to Montana Justice Project's Information Systems Report Standards 1.1 through 1.8 and 2.1 through 2.12.

Information Systems - Priorities

Now that the state information systems plan is complete, the first priority is to stress the importance of coordination among the various parts of the criminal justice system.

Implementation can begin according to priorities established in the plan.

Information Systems - Multi-Year Forecast

The extent to which the information systems plan can be implemented will be restricted in the next three years by the limited availability of finances.

Information Systems - Multi-Year Budget

Refer to the multi-year budget at the front of this section.

COURTS, PROSECUTION, DEFENSE, AND LEGAL EDUCATION

Background - Problem Analysis

Courts, prosecution, and defense agencies face problems in delivery of services similar to those that handicap other governmental agencies in Montana. These problems may not be unique, but they are problems peculiar to the intermountain West, and they resist conventional rural/urban classification. Mention is here made of a few factors that must be considered in planning for governmental services generally in Montana.

Geographically, Montana is the fourth largest state--over 145,500 square miles. More than half the land has been removed from the property tax base through federal trusteeship, ownership, or reservation. Recent federal legislation will provide some payments to counties in lieu of taxes. A family-size ranch consists of more than 2,000 acres: a ranch operated by an agri-business corporation may be based on hundreds of thousands of acres of deeded and leased lands.

Although the state is primarily agricultural, its industry almost equals agriculture in value, income, and employment. Industrial activities are largely extractive. Agriculture and extractive industry are very sensitive to circumstances that are beyond the control of farmers, miners, and state and local government; i.e., credit fluctuations, money supply, changes in marketing and distribution conditions, international negotiations, and climatic extremes. From the earliest territorial period to the present, the fundamental decisions affecting Montana development have been made in Washington and Wall Street. The pattern has been one of alternate boom and bust.

The population of 753,000 approximates that of metropolitan Denver. There is some aggregation of people in widely scattered cities. Each of the larger cities serves a huge trade area. There is no "down-state" region which feeds into a metropolitan concentration, as is the case in other western states. About 53% of the population is "urban" by Bureau of Census definition (i.e., living in communities of 2500 or more), but on the average the density is only about five people per square mile. Seven Indian reservations are scattered throughout the state, each having a separate jurisdictional background. Each is entitled to certain state and local services, although reciprocal tax obligation is absent. The impact of Indian poverty and jurisdictional complexity is statewide. High crime and high caseload areas are found generally in counties that contain population concentrations or that border on Indian reservations, or both.

Resources and Capabilities

Great distances, a small tax base, sparse population, jurisdictional difficulties, and little control of critical decision-making work with transient crises and changes to create priorities in public spending that are likely to differ from those arising in other contexts. For example, the provision of adequate roads and schools historically absorbs more than half (often up to 75%) of the state and local tax dollar, leaving the remainder to be divided among all other mandated or desirable governmental services. Usually, this means that the resources needed to provide essential services are spread very thin, both in time and in space. This has been the case in the criminal justice system generally and in the courts area in particular.

Geographic and climatic conditions, added to the fact that Montana is the slowest-growing state in terms of population and gross product, indicate that there will not be a significant increase in available resources in the next decade. The popularity of federal "seed money" is limited by the realization that there is not sufficient flexibility in state and local budgets to meet expectations or continue services that may be developed by grant. Growth in one area means that the resources available for other services must be diminished or that costs must be transferred to or shared by another level or unit of government.

In 1977, the Legislature, which meets biennially, slightly increased resources available to courts, prosecution, and defense by providing funding for:

(1) state court administration;
(2) in-service education for judges;
(3) three additional district court judges;
(4) improvements in the state law library;
(5) salary raises for appellate and trial court judges, the Attorney General, and most elected county officials; and,
(6) the establishment of a prosecution services division in the Department of Justice.

The Assembly also created a 19th judicial district, assigned functions typical of small claims courts to justice courts, and clarified the statutes relating to the establishment and operations of municipal courts.

At the same time, the Legislature rejected measures which would have:

(1) provided for state assumption of all costs of operation of the courts of general jurisdiction;

(2) established a statewide system for delivery of defense services; and,
(3) assumed the operational costs of the legal information center (MONTCLIRC).

Statewide "local government review" was completed in 1976, with about 32 localities electing to change or consolidate, or both, their organizational patterns. Some cities and counties chose to adopt chartered governments. The state constitution allows such governments all powers not prohibited by state law. However, the Legislature failed to adopt an implementing local government code, which has been assigned to a Legislative Council committee for an additional two-year study. It therefore appears that procedural and budgetary flexibility for local governments has not been substantially increased.

The institution of court administration and the creation of a judicial planning committee have increased the potential ability of the judiciary to plan and implement programs to upgrade resources and skills, to make better use of existing resources and skills, especially in a cost-effective way, and to provide meaningful interaction among all parts of the court system to better it as a whole.

Another approach to making better use of available resources was the initiation of "zero base budgeting" on the Georgia pattern. A handful of agencies, including the SPA, are engaged experimentally in this process under the direction of the Governor's Office of Budget and Planning, as recommended by the 1975 Legislature. If successful in achieving meaningful legislative review of executive branch operation, this planning model will presumably be extended to encompass a larger segment of state administrative and planning functions. As of this time, no concrete data has been made available to either prove or disprove the success of this effort.

As noted in the section on resources and capabilities for the operation of the judicial branch, the institution of courts administration has increased the potential of the judiciary to plan and implement programs to upgrade resources and skills and to use them in a cost-effective way. At present, no such statewide potential exists for prosecution or defense. Two local prosecutors' offices and two defender groups appear to be interested in developing independent planning capabilities. These agencies are located in the higher population/high crime areas where coordinated inter-disciplinary planning has been undertaken in connection with crime attack teams funded by the SPA.

Relationship of Resources and Capabilities to System Performance

Courts

The data tabulated in preceding sections shows significant disparities at the trial court level in judicial workloads and in the distribution of resources among the district courts. Any definition of judicial workload is likely to be highly subjective, but it includes at least the following factors: (1) number of cases to be adjudicated; (2) number of proceedings and procedures required in certain kinds of cases; (3) number of contested proceedings (requiring either a bench trial or a jury trial); (4) distance to be traveled to cover the assigned circuit; and (5) the relative scarcity or abundance of resources for administrative, research, and social service support of the court. Caseloads have risen over the last decade, but not dramatically. Disparities in caseload among districts and counties have widened. Numbers of required procedures have unquestionably increased. Intra-district distances are unchanged. Except in a few instances, no additional resources have been extended to courts. Courts with the heaviest caseloads are likely to be responsible for the districts that are the largest both in population and in geographical area. They are also more likely to have a pool of local resources from which to draw.

Disparities in caseload, required travel, and available resources have not resulted in major delays or backlogs. The reason that delay or backlog is not severe is probably that some judges have overcome shortages and handicaps, not only in adjudications, but also in social service and the performance of administrative detail.

Criminal cases constitute about 10% to 15% of the average annual trial court docket. Disposition of these cases is relatively speedy, measured against national statistics and standards (see page 284), probably because few go to trial. Most are disposed of on pleas of guilty (77.5%) or by dismissal (17.3%). Only 5.2% of the informations or criminal complaints filed in district court went to trial in 1975. Fewer than half of offenders found guilty of a felony were sentenced to confinement. Deferred imposition of sentence upon the performance of specified conditions is a popular sentencing alternative among Montana judges, accounting for 54.2% of all dispositions in district courts in 1975. Deferral of sentencing is mandatory for all first-time drug offenders No evaluation of the statewide effectiveness of deferral sentences has been made. The court has broad discretion in enumerating the conditions that must be fulfilled by an offender under a deferred imposition of sentence in order for the record of conviction to be expunged. In about one out of 15 cases where imposition of sentence was deferred in 1975, a condition of deferral was confinement in a local jail or the state prison. Cen-

ters for alcohol or drug abuse treatment, for mental health, and for manpower training and job assistance tend to be located in the major population areas. Probation officers and correctional institutions tend to be overloaded. Although Montana law provides broad sentencing options in theory, often a judge is faced with the practical alternatives of incarceration or minimally supervised release.

The deficiencies in the administration of justice by trial courts lie in the areas of need for adequate administrative, evaluative, research and in-service training services and for available social services for court referral. These deficiencies are not yet critical (judges have spread themselves very thin to cover essentials), but they are clearly growing, and, if not addressed, will reach unacceptable proportions in the next few months or years.

In the lower courts, it is apparent from surveys that the judges frequently feel they are inadequately trained and not supplied with essential resources. Average education for justices of the peace is a high school diploma. Relevant experience is usually gained on the bench. Apart from the subjective surveys, information on the operation of the lower courts is entirely absent, making it impossible to identify specific gaps in performance. Initial problems to be met are those of providing adequate in-service training and the initiation of a uniform record-keeping and reporting system for the lower courts.

Table G-2-a

Time of Disposition of Criminal Cases
in District Courts in 1975

Attention was given to the time elapsed between arraignment or first appearance and disposition of the case. Time required was aggregated separately for guilty and not guilty pleas. Elapsed times were recorded in the following nine classes:

Class #	Processing Time
I	Less than 1 month
II	At least 1 month, but less than 2
III	At least 2 months, but less than 3
IV	At least 3 months, but less than 4
V	At least 4 months, but less than 5
VI	At least 5 months, but less than 6
VII	At least 6 months, but less than 1yr.
VIII	1 year or more
IX	No time element recorded

Table G-2-a(continued)

Class #	Guilty Pleas		Not Guilty Pleas		Totals	
	#	%	#	%	#	%
I	552	52.6	85	30.7	637	48.0
II	182	17.4	52	18.8	234	17.6
III	72	6.9	23	8.3	95	7.2
IV	79	7.5	26	9.4	105	7.9
V	38	3.6	17	6.1	55	4.2
VI	31	3.0	10	3.6	41	3.1
VII	40	3.8	33	11.9	73	5.5
VIII	12	1.1	4	1.4	16	1.2
IX	43	4.1	27	9.8	70	5.3
	1049	100.0	277	100.0	1326	100.0

Prosecution and Defense

The limited information available indicates that, as might be expected, accessibility to resources and capabilities varies widely on an urban/rural basis for both prosecution and defense, as it does throughout the Montana criminal justice system. Also, more total resources of state and local governments are committed to the operations of city and county attorneys than to the defense of the indigent accused. In part, this reflects a funding response to the additional civil and regulatory functions with which the offices of county and city attorneys are charged: in part it reflects community priorities.

Generally, full-time prosecutors in the major population areas seem to be reasonably well-supplied with essential funds, staff, and support services. Part-time prosecutors in rural areas usually have fewer resources that may be tapped if major crime occurs in those counties. However, in unusual circumstances (i.e., the occurrence of an extraordinarily complex case, unavailability of the local prosecutor, etc.), the Attorney General's office may be called on for assistance, or a special prosecutor may be named by the local county attorney. Minimum compensation for prosecutors is established by statute or by ordinance. In-state and out-of-state training has been made available to all county attorneys and their deputies by the state and by grants from the SPA. More than half have attended one or more sessions. At least two county attorneys offices employ full-time investigators. Others express a need for access to the services of an investigator, in addition to the investigative functions of the local law enforcement agencies and to the investigative arm of the Department of Justice.

No system performance information has been gathered at the prosecutorial level. Reporting systems currently operational cover arrests and the number of felony informations filed in district court. This hiatus in information creates an apparent gap between performance capabilities of the criminal justice system and the Montana crime problem. For example, of all those arrested in 1975 for the commission of one or more of the seven major felonies, only 16.5% came to the courts. Juveniles accounted for 26.5% of the arrests; all were removed to youth court or otherwise diverted from the adult justice system. The remainder, or 56.7%, presumably were not prosecuted. There can be many reasons for the exercise of traditional prosecutorial discretion not to charge or to reduce charges in number or degree. No statewide assessment of the size of the prosecutorial gap can be made until a system for information gathering and analysis is developed and implemented for county attorneys.

The same pattern of rural/urban variation in resources and capabilities probably applies to counsel for indigent criminal defendants, but it is much less visible because of the statewide absence or inadequacy of resources available to defenders or appointed defense counsel.

The turnover rate among part-time public defenders is high. Probably most stay in the position only a year or two. Defenders and assigned defense counsel have had small opportunity for in-service training. Support services, if any, are usually gleaned from the firm or office which houses the private practice of the defender or appointed counsel. Two defender offices are able to employ a secretary whose duties are limited to defense-related work. Ordinarily, public defenders are expected to provide representation in all cases (such as mental commitments, non-support, etc.) where an action may be initiated by a prosecutor and where a defendant is indigent. The limited information on system performance tells nothing about the performance of attorneys defending the indigent accused. The number of indigent persons arrested for the commission of felonies is unknown, not to mention the number of indigent misdemeanants. Defenders consider their level of performance to be low because (1) early representation is ordinarily impossible when the indigency determination must be made by the district judge; (2) case overload often prevents giving adequate attention and preparation to individual cases; and (3) supportive resources, such as investigators and funds for laboratory tests and expert witnesses are frequently non-existent.

The degree to which constitutional right to counsel is implemented in Montana is a matter of conjecture. Certainly the defenders feel that most criminally accused are denied effective assistance of counsel. In terms of the quality of justice available in Montana courts in criminal cases, the largest problem is clearly in the area of provision of adequate defense services to the indigent accused.

COURTS, PROSECUTION, AND DEFENSE

MANPOWER - GOALS

1. Adequate support services for judges, prosecutors, and defenders

2. Transfer of technology and planning capabilities to operating agencies, including, but not limited to, courts, prosecution, defense, and school of law

MANPOWER - OBJECTIVES

1. For state and local governments:

   To provide adequate support services to trial court judges in the areas of clerical, secretarial, and legal research assistance by July 1, 1978

2. For action programs:

   To establish, by July 1, 1979, a full administrative capability for all Montana courts, with full-time personnel equivalents not to exceed 55

   To establish, by July 1, 1979, an adequate planning capability within the judicial branch, at a cost not to exceed $50,000 annually

   To establish a court management program, with diminishing funding, to include various support personnel for judges

   To establish, by July 1, 1980, a continuing position of aopellate defender or defender coordinator to plan defense services in Montana on a continuous basis

   Expected funding levels: See multi-year budget at the front of this section

   Results expected and their relationship to goals: Additional administrative and planning capabilities will be developed within the judicial branch and some needed support services will be made available. A defender program will contribute toward the provision of uniform defense services.

Manpower - Standards

For related standards, refer to the Montana Justice Project Courts report, standards 4.1 through 4.5, 8.1A through 8.2B, 9.1 through 9.5, 11.1 through 11.4, 12.1 through 12.5, 1.1 through 1.2, 11.5 through 11.7, and Chapter XV.

Limitations on achievement ability are need for technical assistance, need for specialized manpower, and political feasibility of implementation.

Manpower - Priorities

The following treatment of priorities applies not only to manpower but to the other functional areas as well.

Means of establishing priorities:

Priorities for implementation of standards, goals, and objectives in the areas of courts, prosecution, and defense are decided upon by considering the following factors, which are listed in a rough order of weight to be attributed to each:

1. Degree of demonstrated need or problem
2. Degree to which the most relevant standard, goal, or objective addresses the demonstrated need and may be measured against operating standards
3. Alternatives available
4. Cost-effectiveness or cost-benefit ratio (if calculable)
5. Feasibility/constraints - may be political, financial, state of the art, need for specialized manpower, etc.
6. Planning and priorities of other organizations or agencies seeking to address similar goals, standards, or objectives (especially any areas of interface)
7. Beneficial side-effects, if any
8. Detrimental impacts on other elements of the criminal justice system or on other governmental systems
9. Degree to which implementation may be quantitatively evaluated
10. Degree of enhancement of planning capability in one or more operating agencies

Priority ranking of goals, standards, and objectives

Standards, goals, and objectives are ranked in functional categories according to their priority.

Manpower - Multi-Year Forecast; State/Local Data; Quantification

1. Methods of acquiring data on state and local programs:

   Expenditure data is derived from the reports of county clerks to the Department of Community Affairs, from the Governor's Office of Budget and Program Planning, from the U.S. Statistical Abstract, and from Expenditure and Employment Data published by LEAA.

   Program data is acquired from the Office of the State Court Administrator and from reports of Supreme Court Commissions.

2. State and local allocations of other resources: Refer to general problem analysis on courts, prosecution, and defense.

3. Manpower, including a system analyst, three law clerks, two legal secretaries, and a court reporter will be provided to the Supreme Court and several trial judges. A defender coordinator or appellate defender position will be established.

4. Relationship to block grants: The action grant for court manpower will supply a systems analyst in the office of the Supreme Court Administrator and will supply other additional support services for judges. The action grant for appellate defender or defender coordinator will establish and staff such a position for defense planning and training on a continuous basis.

Manpower - Multi-Year Budget

At present the multi-year budget shows two action programs aimed at manpower needs relative to courts, prosecution, and defense: A-23 and A-24. Because of budget cutbacks, however, A-24 is not being funded in 1978.

COURTS, PROSECUTION, AND DEFENSE

TRAINING - GOAL

Improvement of the quality of justice in all Montana courts by upgrading trial and management skills and by supplying assistance in in-service education in current substantive and procedural criminal and juvenile law to all judges, prosecutors, defenders, and support personnel

TRAINING - OBJECTIVES

1. For state and local governments:

   To require continuing in-state education for all judges in substantive and procedural law and in trial and management skills and to provide some out-of-state education

   To provide an opportunity for in-state and out-of-state in-service training for prosecutors and their staffs

2. For action programs:

   To continue and expand opportunities for in-state, in-service training for 100 prosecutors and support personnel by 1979, and to reduce out-of-state training needs of 20 prosecutors by 1978

   To provide law interns to prosecutors as a part of the law school clinical education program

   To continue and expand opportunities for in-state and out-of-state in-service training for judicial personnel

TRAINING - STANDARDS

Refer to Montana Justice Project's Courts report, Standards 714, 11.3, and 12.6.

Limitations on ability to achieve: high cost and need for manpower to develop and manage in-state, in-service training programs

TRAINING - PRIORITIES

Refer to the discussion of priorities in the manpower section of courts, prosecution, and defense.

Training - Multi-Year Forecast: State/Local Data: Quantification

1. Methods of acquiring data on state and local programs: Information on the development of programs for judicial education and training is acquired from the Office of the State Court Administrator and from the Legislative Council interim Sub-committee on the Judiciary. Data on prosecutorial in-service training is available from the County Attorney Training Coordinator and from the Montana League of Cities and Towns.

2. State and local allocations of other resources: Refer to general problem analysis on courts, prosecution, and defense.

3. Results expected and their relationship to goals: A full, balanced program for judicial education and training will be implemented by 1979. A program for prosecutorial training will be continued.

   These programs will achieve part of the goal. State and local governments have not considered the need for training support personnel or defenders. A full program for training prosecutors has not yet been proposed. Combined state and SPA programs will produce and implement a full, balanced program for judicial education and training by 1979. Opportunities will be available for all prosecutors and staffs to attend one or more in-state training sessions a year. Planning and start-up for defense in-service, in-state training will be completed. Programs should achieve goal by 1979, except, perhaps, that more will need to be done to achieve institutionalization of in-service training for defense attorneys.

4. Relationship to block grants: The action grants for in-service training for judges, prosecutors, and also support personnel provide start-up funding as a basis for planning and development of full education and training programs.

Training - Multi-Year Budget

Refer to the multi-year budget at the front of this section, specifically to programs in the Training (B) category.

Education

Not applicable to courts, prosecution, and defense at this time. For education-related programs, see categories for training, equipment, services, and information systems.

Equipment - Goal

Improvement of the quality of justice locally or statewide by providing guides, procedural outlines, and/or instructional audio-visual materials to criminal justice agencies and personnel who deliver courts-related services

Equipment - Objectives

1. For state and local governments:

   To date, governmental agencies have not addressed the needs or problems in this area. Professional and occupational organizations of criminal justice system personnel sometimes produce checklists when chaos threatens and wish aloud for something more.

2. For action programs:

   To develop and/or supply as appropriate by September, 1979, the following materials to the following elements of the criminal justice system:

   a. Up to 50 copies of criminal laws and procedures for corrections personnel for use in hearings and for general purposes;

   b. Not to exceed 20 selected audio-visual materials relating to criminal law, procedures, and techniques to central repositories for re-distribution to groups and individuals with court-related activities in the criminal justice system; and

   c. Approximately 2,000 to 2,500 copies of a handbook to contain youth court procedural guidelines to be produced for the use of criminal justice practitioners, including, but not limited to, probation officers, law enforcement personnel, judges, county attorneys, defenders, corrections personnel, and the state bar.

Equipment - Standards

Refer to Montana Justice Project's Courts report, Standards 1.1 through 2.2, 9.1 through 9.5, 11.1, 11.5, and 12.1 through 12.5.

Limitations on ability to achieve: lack of procedures to determine priorities of need.

Equipment - Priorities

Refer to the discussion of priorities in the manpower section of courts, prosecution, and defense.

Equipment - Multi-Year Forecast

Results expected and their relationship to goal: No evaluation techniques have been perfected to measure the quality of justice, but it is to be expected that the programmed materials and others to be considered as the need is perceived will improve the effectiveness and efficiency of the criminal justice system and eventually improve the public perception of the quality of justice. The relationship to the goal is direct, but currently unmeasurable. The program will result in partial goal achievement.

Equipment - Multi-Year Budget

Refer to the multi-year budget.

Facilities - Goal

Improvement of the effectiveness and efficiency of the courts-related activities of the criminal justice system by upgrading court facilities for the convenience and comfort of jurors, witnesses, practitioners, and public and by providing modification of facilities as needed to expedite caseload management

Facilities - Objectives

1. For state and local governments:

   To provide minimally adequate facilities for courtrooms, chambers, clerks of court, and court activity areas by 1990

2. For action programs:

   To establish a microfiche cataloging system in the Supreme Court library, permitting easier access to legal materials

Facilities - Standards

Refer to Montana Justice Project's Courts report, standards 9.4, 10.1, and 10.3.

Limitations on ability to achieve: need for technical assistance to make needs assessment and to establish standards and priorities, high cost, low political feasibility.

Facilities - Priorities

Refer to the discussion of priorities in the manpower section of courts, prosecution, and defense.

Facilities - Multi-Year Forecast, State/Local Data: Quantification

1. Methods of acquiring data on state and local programs:

   Program and expenditure data is derived from the reports of County Clerks to the Department of Community Affairs. Information about the state building program may be acquired from the Department of Administration and from the Montana Judges' Association through the Office of the State Court Administrator.

2. Results expected and their relationship to goals:

   Programs to improve courts facilities by construction, remodeling, rearrangement, or replacement have a low priority at state and local levels. Perhaps as many as half a dozen counties or other units of local government will complete or initiate some courts renovation by 1978. Few, if any, will be designed to improve workflow, comfort or convenience. The relationship to goal will be small.

   In the short term, the effectiveness and efficiency of judges and attorneys within the criminal justice system should be improved slightly by increasing the usefulness and use of the state law library. Annual man-hour use should double within a year of completion of the project. In the longer range, the demonstration projects will raise the priorities for courts facilities improvements established by state and local governments. Relationship to the goal is that the programs represent encouragement to state and local governments to adopt such a goal as a high priority for funding.

3. Relationship to block grants:

   Priorities will be established and demonstration projects will be initiated for improvement of facilities of appellate, trial, and/or lower courts in the next two years.

Facilities - Multi-Year Budget

Refer to the multi-year budget at the front of this section.

Workloads and Operating Standards

Not applicable to courts, prosecution, and defense at this time. For workload-related programs, see the manpower category. For programs related to operating standards, see categories for training, equipment, and information systems.

Services - Goal

Law-related education in the public schools

Services - Objectives

For action programs:

To encourage the development of a law-related course to be taught in Montana public schools by bringing together the necessary decision-makers, supplying relevant materials, and providing for communication and dissemination of information about the possibilities and potentials of law-related course development

Services - Standards

Refer to Montana Justice Project's Community Crime Prevention report, standards 3.2 and 3.4.

Limitations on ability to achieve: fragmentation of effort among interested persons and agencies

Services - Priorities

Refer to the discussion of priorities in the manpower section of courts, prosecution, and defense.

Services - Multi-Year Forecast, State/Local Data; Quantification

1. Methods of acquiring data on state and local programs:

   One local program is presently in operation and is willing to supply data on request. Otherwise, data on planning for law-related education in the public schools may be acquired from the Office of Superintendent of Public Instruction and the State Bar.

2. Results expected and their relationship to goals:

A standardized course or program in law-related education for Montana public schools will be selected and plans will be made for implementation. Such a result is an initial step toward achievement of the goal.

Cooperative arrangements will be made between the interested agencies and persons. A standardized program or course will be chosen (for example, the one developed by the committee on Youth Education for Citizenship of the American Bar Association). In the long range, a curriculum will be established, at first as an option, later as a required course. Such instruction on a regularized basis should reduce the annual juvenile crime rate by at least 10% over a five-year period. The goal will be achieved.

3. Relationship to block grants:

An action grant for law-related education in the public schools is designed to assist in working out necessary cooperation among the state education agency, the local schools, and the state bar in order to allow selection of a single approach to the development of such a curriculum. The grant will also allow for some purchase of necessary materials, communication, and dissemination of information about the possibilities and potential of law-related course development and institutionalization.

Services - Multi-Year Budget

Refer to the multi-year budget at the front of this section.

Information Systems - Goals

A system of uniform recordkeeping and reporting on caseload management in courts

Statewide uniform crime charging standards and a system of uniform recordkeeping and reporting on caseload management by prosecutors

Information Systems - Objectives

1. For state and local governments:

   To develop a statewide, integrated, and comprehensive judicial information system by 1979 (Governmental entities, except the SPA and Montana Justice Project, have not yet considered the need for information systems for prosecutors.)

2. For action programs:

   To establish, by July 1, 1978,a full administrative capability for all Montana courts, to include statistical and systems analysis based on a system of uniform recordkeeping and reporting on caseload management

   To assist in the development of a prosecutors' information system by July 1, 1979, by funding a planning capability for prosecutors and the transfer of currently available technology and projects

Information Systems - Standards

Refer to Montana Justice Project's Courts report, standards 9.4, 11.1, 11.5 and 11.7,and to Information Systems report, standards 1.3, 1.7, 3.4, 3.5, and 3.6. See also standards referred to in Manpower section.

Limitations on ability to achieve: manpower with specialized knowledge and skills, low political feasibility, especially in lower courts.

Information Systems - Priorities

Refer to the discussion of priorities in the manpower section of courts, prosecution, and defense.

Information Systems-Multi-Year Forecast: State/Local Data: Quantification

Methods of acquiring data on state and local programs:

A judicial reporting system at the trial court level has been initiated by the Office of the Court Administrator. The SPA collects reports on the disposition of criminal cases in district courts.

The Supreme Court Commission on Lower Courts has initiated uniform recordkeeping for justice courts. Current plans for development of a judicial information system points to case-by-case information collection. Statutory collection points for prosecutorial data are the Attorney General and the County Attorney Coordinator in the Department of Justice.

Results expected and their relationship to goals:

Additional planning and information collection and analysis capabilities will be developed within the judicial branch and will be instituted within the Department of Justice or prosecutors' organizations, or both. The first goal will be achieved. The second will be partly accomplished.

A system of uniform recordkeeping and reporting on caseload management in district courts will be fully operational by 1979. Similar results may be expected in lower courts by 1981, representing full achievement of the goal in the judicial branch.

Relationship to block grants:

The action grant for court manpower (referred to in the Manpower section) will provide a systems analysis capability in the judicial branch. In addition, part of one information systems program will assist the formation of a judicial information system by providing funds for development and distribution of a manual for uniform recordkeeping for clerks of court.

Information Systems - Multi-Year Budget

Refer to the multi-year budget at the front of this section.

JUVENILE JUSTICE

Manpower - Problems and Needs

Historically, juvenile justice personnel in Montana have been overworked. Youth court personnel have been faced with duties that range from law enforcement to adjudication and counseling. The caseloads have been exceedingly large and the geography of jurisdictional areas is still unmanageable. The enactment of the Montana Youth Court Act in 1974 was expected to alleviate some of the manpower problems by delineating the responsibilities of the probation officer. The Act was intended to relieve the youth court of law enforcement and prosecutorial functions that drain manpower and confuse the role of the probation officer.

The Act has been successful in eliminating the law enforcement function of the youth court, but it is still burdoned with prosecutorial functions. This problem seems to be more of an attitudinal and manpower problem in the county attorneys' offices than a legal problem. Many probation officers are still preparing legal documents and even presenting the prosecution's case in court even though these responsibilities are clearly those of the county attorneys. The increased amount of legal work required by the Youth Court Act has compounded this problem drastically. Because of the nature of this problem it is difficult to quantify. It has been said that the paperwork required by the Youth Act has increased the time spent in this area five-fold.

Another major manpower problem currently experienced in the juvenile justice system relates to intake and detention, which is discussed at more length in the facilities section of Juvenile Justice. A comprehensive study of Detention and Shelter Care indicated that many of the state's detention problems are directly related to manpower problems. Because youth courts are not able to provide 24-hour services, many youths are held in jail until the next day when probation personnel are available. This causes a high rate of detention and actually increaases the amount of paperwork required to process a case. The n eed for 24-hour intake personnel is not easily addressed in view of the sparsely populated rural areas. However, there are other alternatives such as contracting for services or hiring part-time personnel.

Basically, the solutions to these manpower problems rest on the availability of funds. Since the bulk of the juvenile justice system is financed by county government, one must look at the prospect of increased county spending. At the present time, county governments are having difficulty meeting the fiscal needs of natural growth within their agencies, and are not particularly interested in assuming large new programs. Realistically the state of

Montana must assume some of the financial burden of the youth courts if the courts are to meet their responsibilities. In 1975, counties paid over three quarters of a million dollars to support youth court services.

MANPOWER - GOAL

To provide adequate manpower to all aspects of the juvenile justice system in order to insure the proper handling of youth

MANPOWER - OBJECTIVES

To provide additional probation personnel to youth courts to reduce caseloads to a level not greater than 50

To provide additional personnel to county attorneys for processing youth within the youth court

To provide manpower to law enforcement agencies adequate to staff a youth division in each law enforcement agency in Montana

To establish 24-hour intake services in each of Montana's judicial districts by providing additional manpower

To establish the position of Youth Court Administrator within the administrative arm of the Montana Supreme Court

To establish a mechanism for support youth court personnel with state funds

MANPOWER - STANDARDS

Standards relating to this project include: Police, 8.1, and Corrections, 3.3 (Montana Justice Project).

MANPOWER - PRIORITIES

Priorities for improving the manpower situation within Montana's juvenile justice system can be addressed from the standpoint of the ideal. Ideally, the priority for manpower development would be to establish the mechanism for state fund financing of youth court operations. This would provide the basic framework for future manpower enhancement and would provide the stability needed to maintain a proper system. However, this item has just started receiving the kind of support and attention needed to become a reality. Within the next few years the issue of state-funded youth courts will be decided. The factors that will affect that decision have not been clearly identified, and any attempted

prognosis would be purely speculative.

Montana's immediate priorities will be placed on increasing the level of manpower available to youth courts. This will also include support for 24-hour intake personnel.

The next priority item would be the establishment of administrative positions within the state supreme court. This will provide the initial steps toward state financing and appears to be a realistic possibility for the near future.

Manpower - Three-Year Forecast

Support for juvenile probation manpower is expected to continue. Further clarification and delineation of the precise functions of probation officers should help to further free them from duties which are not in their area of responsibility. This in turn would result in more efficient use of manpower, which should help alleviate some problems such as lack of 24-hour services, given that local budgetary constraints will still be present.

Manpower - Three-Year Budget

Refer to the multi-year budget at the front of this section--specifically to program A-3.

JUVENILE JUSTICE

Training - Problems and Needs

Training is the most overlooked and underestimated component of virtually any organization. Certainly, Montana's juvenile justice system is no exception. Many of the problems discussed throughout this plan could be reduced, if not eliminated, if proper training were available. However, the problems of identifying and providing appropriate training sometimes seem as insurmountable as the very problems they must address.

The lack of a unified juvenile justice system provides an initial problem for planning training programs. Montana's juvenile justice system comprises many small agencies. Each of these agencies has problems generally common to other agencies, but is at the same time specifically unique. This situation makes consensus on training needs and priorities difficult to obtain. This would not be a problem if the agencies were large enough to justify their own training programs, but such is not the case. The largest juvenile justice office (except institutions) consists of six professional people. It is obvious from this that Montana must develop a training program which is capable of serving the needs of several agencies.

Over the past several years, the Montana Probation Officers' Association has attempted to accomplish this within Montana's 18 youth courts. This effort was accomplished through a series of meetings involving various personnel throughout the state in an effort to arrive at a consensus as far as training needs were concerned.

This effort has been a major accomplishment in providing training to youth court personnel, but fails to address the needs of law enforcement and Department of Institutions employees. The Department of Institutions has recently established a training division that serves the juvenile institutions and Aftercare. This has been a major accomplishment within that agency, but once again fails to take into consideration the needs of other segments of the system.

An overview of training for Montana's juvenile justice system recognizes that the training needs of personnel within disciplines (law enforcement, courts, corrections) are being met on a minimal level. However, it is obvious that greater benefits could be obtained if these resources were combined and the problem addressed on a broader level.

Even if the juvenile justice system could unite itself to develop a comprehensive training program, several problems still exist. The first of these is geography. The expense and time involved in bringing personnel together restricts the type of training that can be offered. The second problem is the fact that

many of these persons operate essentially one-man offices, meaning that the offices must be virtually closed when staff is gone for a training session. A reasonable time out of the office is permissible but travel to a central location often doubles or triples the amount of time required for the training.

Needless to say, these problems could be reduced by conducting regional or even area-wide training sessions. The consolidation of existing training programs would certainly enhance the possibility of regional training. Of course, there will always be highly specialized training that must be conducted for a statewide group because it applies only to a small segment of the system.

This section has dealt with training on a broad structural level rather than specific training needs. It is the feeling of SPA juvenile planners that training needs are best determined by the participants and they should provide a vehicle that will enable juvenile justice system personnel to obtain pertinent training. Groups that should be involved in this training include personnel of probation, Aftercare, juvenile institutions, and group care facilities. Foster parents, law enforcement juvenile officers, judges, and prosecutors should also be involved.

Training - Goal

To provide juvenile justice personnel access to 40 hours of training annually, which would raise their level of performance.

Training - Objectives

1. To provide 200 hours of training annually to juvenile probation personnel in Montana

2. To establish a 24-hour training session for law enforcement juvenile officers to be conducted at MLEA

3. To establish a training division in the Department of Institutions that will provide training for juvenile justice personnel

4. To establish a permanent training program for youth court personnel in the supreme court

5. To develop a plan for providing training to all of Montana's juvenile justice system personnel in a coordinated manner

Training - Standards

Standards which apply to this section include Montana Justice Project's Courts report standard 7.4.

Training - Priorities

Since most juvenile justice personnel in Montana have access to at least minimum training, the priorities for this section will be placed on maintaining established training programs with an emphasis on developing a coordinated approach to reducing the amount of duplication among and increasing the effectiveness of training programs.

The next priority is to develop a continuing session for law enforcement juvenile officers conducted at MLEA. In addition to this, full-time juvenile officers will continue to be sent to the Delinquency Control Institute at the University of Southern California.

Training - Multi-Year Forecast

The multi-year forecast for activities in this area includes the establishment and/or maintenance of training programs in all aspects of the juvenile justice system. This includes the continued support of the Department of Institutions and Montana Probation Officers training for at least one more year. This program can expect to receive additional funding in future years to improve its basic programs.

It is anticipated that funds will be requested to support a juvenile justice seminar for law enforcement officers at MLEA.

The Montana Supreme Court is expected to sponsor another seminar on juvenile justice. This seminar will be directed at those persons working directly with the juvenile justice system.

The SPA will cooperate with the state Commission of Higher Education to develop a plan for training personnel in Montana. The plan will also inventory resources currently available and report on the most effective use of those resources.

Training - Multi-Year Budget

Refer to the "Training" category of the multi-year budget at the front of this section.

JUVENILE JUSTICE

EDUCATION - PROBLEMS AND NEEDS

Education is the bench mark used to determine the qualifications of a prospective employee. Although there are obvious faults in that, it remains for the most part a reality. Trying to relate education to a system as broad as the juvenile justice system is extremely difficult. Many positions could best be filled by persons with extensive practical experience combined with pertinent training. Other positions require highly educated professionals.

Most juvenile justice positions in Montana have minimum educational requirements. The Youth Court Act of 1974 set specific qualifications for youth court personnel. As of this date, 37 of the 54 probation officers have at least a bachelor's degree. The Department of Institutions has adopted minimum qualifications for persons working in youth corrections agencies. The POST Council has set minimum qualifications for all law enforcement officers. The employees of private agencies, such as group care facilities, are the only persons not covered by such rules.

The problem of undereducated personnel in Montana's system is not significant. A greater problem is the need for continuing education. Because the attrition rate for personnel is very low, it is not unusual to see personnel whose formal education has become obsolete in the rapidly changing field of juvenile justice. These people need an opportunity to pursue further education in order to be familiar with new developments and gain a fresh perspective on their jobs. If done correctly, education will encourage creative thinking and generate enthusiasm for jobs that have become routine.

Another critical area is public education. An informed public can be one of the greatest assets of the juvenile justice system. Most citizens are concerned about the general area of youth, and will take interest in their problems if they understand. The juvenile justice system is cloaked in secrecy, which is required by the nature of the proceedings. While this practice may be beneficial to the youth it serves, it also creates a great deal of misunderstanding as to the practices and policies of the system. Practitioners must make an extra effort to inform the public of their activities. Juvenile justice personnel can also provide valuable information to the public regarding the problems of youth in a community. The benefits of this effort are realized when the public is asked to accept new programs being implemented by the system, and in the competition for funding.

There is a great need to establish a way for each office to communicate with the public. Many offices already do a lot of work in this area. A survey conducted two years ago revealed the probation officers speak to an average of 100 people each month. This practice should be encouraged and juvenile justice agencies must be given assistance in developing this area.

Education - Goal

That all employees of the juvenile justice system have the minimum qualifications established by law, and have access to continuing education.

That juvenile justice agencies will develop programs to educate the public about the problems of youth and the agencies' activities.

Education - Objectives

1. A program for the continuing education of juvenile justice personnel will be developed through the Commissioner of Higher Education.

2. A sabbatical leave program will be established to encourage juvenile justice personnel to pursue continuing education.

3. Public education programs will be developed in each juvenile justice agency to inform the public about youth problems and the role the juvenile justice system has in these problems.

Education - Standards

The standards relating to this section are: Courts - 7.4 and Corrections 13.6, 13.7 (Montana Justice Project).

Education - Priorities

The highest priority for action in this area should be placed on the development of public education programs. This has the highest potential for return and could play an important role in obtaining the resources to accomplish the other objectives.

The next priority is the development of a continuing education program. This would be a part of the plan discussed in the previous section on training.

The sabbatical program is often viewed as an exclusive fringe benefit and thus receives a low priority. However, the long-term benefits of such a program are significant in terms of staff development and motivation. It also can drastically reduce the rate of attrition. For this reason, the sabbatical program should be pursued, and not forgotten in future funding considerations.

Education - Multi-Year Forecast

It is anticipated that there will be increasing activity in the area of public education over the next three years. This activity may require continued support, and a great deal of work must be done to assure the continuation of such programs at the local level.

The program for continuing education will be planned during the next two years, and implementation may take place in the third year.

A program funding sabbatical leave for juvenile justice personnel is far from the implementation stage. It is not expected to get underway during the three-year period unless it is incorporated in the continuing education program.

Education - Multi-Year Budget

Refer to the multi-year budget at the front of this section.

JUVENILE JUSTICE

EQUIPMENT - PROBLEMS AND NEEDS

The institutions serving delinquent youth are the primary agencies that require equipment as a vital part of their program. Local group care facilities also have equipment needs.

The need for vocational education equipment is constant at the state institutions. The level of vocational training has increased markedly over the past several years with programs in automotive repair, wordworking, keypunch, and other areas. However, there is always a need for more equipment to train students in the latest developments.

Virtually all facilities for youth have difficulty obtaining and justifying recreational equipment. This equipment is needed for the proper development of youth, and a number of programs in other states have demonstrated positive behavioral changes through the use of recreational programs such as Outward Bound.

Group care facilities are traditionally given little operating money and must obtain basic household furnishings by scrounging or innovating. This usually means the furnishings are of poor quality and do not survive the use of teenagers. All facilities have expressed a need for vehicles to provide basic transportation.

EQUIPMENT - GOAL

That all facilities serving troubled youth have the basic equipment needed to insure youth development

EQUIPMENT - OBJECTIVE

The three institutions serving delinquent youth will have a varied vocational education program supported by appropriate equipment.

All juvenile justice residential facilities will have adequate recreational equipment for the proper physical, mental, and emotional development of youth.

Group care facilities will have the basic furnishings and equipment of a normal household.

EQUIPMENT - STANDARDS

Standards 10.2 and 10.5 of the Corrections report (Montana Justice Project) are relevant.

Equipment - Priorities

The high priority in this area is placed on increasing the level of vocational training equipment available to juvenile institutions.

The second priority is to provide facilities with the proper recreational equipment.

Equipment - Multi-Year Forecast

Over the next three years the SPA will support the establishment of two new training programs in the Department of Institutions. Swan River Youth Forest Camp will receive priority for such funding.

It is also expected that recreational equipment will be purchased for the development of specialized recreation programs serving delinquent youth.

Equipment - Multi-Year Budget

Monies within the multi-year budget program D-1 can be applied to these areas. According to the multi-year budget, money for D-1 has been allocated in 1979 and 1980.

JUVENILE JUSTICE

FACILITIES

The Juvenile Justice Supplement addresses the total operation of facilities. This subject is also addressed in the Detention and Shelter Care Plan, and in the Advanced Techniques section of the Supplement.

WORKLOADS

Not applicable - refer to the manpower section of Juvenile Justice.

OPERATING STANDARDS - PROBLEMS AND NEEDS

A recent survey indicated that fewer than one-third of Montana's Youth Courts have formally adopted operating procedures. Each of the state's 18 judicial districts had different procedures for hiring, budgeting, and general processing of youth. This creates problems for implementing statewide programs involving the juvenile court, and fosters the inconsistent administration of juvenile justice.

In 1974 the Legislature passed a new Youth Court Act which was developed with the SPA staff. This Act took a giant step toward standardizing the youth court activities, but there is still a great need for standard procedures.

The Montana Probation Officers' Association has appointed a committee to work on this area, and the SPA will provide staff assistance to this effort.

The standards and goals effort launched by the Montana Justice Project did not make a special effort to study juvenile justice. Budget constraints and the feeling that LEAA would launch a separate program in this area led to this decision. The Montana Justice Project included juvenile justice in its consideration of other standards, but felt a special effort should be made to address the needs of the juvenile justice system.

OPERATING STANDARDS - GOAL

To develop standards for the operation of juvenile justice agencies in Montana

Operating Standards - Objectives

1. The Montana Probation Officers will develop operating procedures to govern the activity of Montana's youth courts

2. The SPA will implement a comprehensive standards and goals project dealing with agencies serving delinquent and pre-delinquent youth.

Operating Standards - Priorities

The first priority in this area is the development of standards and goals relating to juvenile justice. The procedures for youth court may very well be a by-product of this activity.

Operating Standards - Standards

Refer to the Montana Justice Project's Corrections report, standards 5.3 and 12.1.

Operating Standards - Multi-Year Forecast

It is assumed that the standards and goals effort will take at least two years to be developed. The initial emphasis for this effort will be focused on the development of broad and general goals. Standards necessary to achieve those goals will be developed subsequently.

The Montana Probation Officers' Association will be working on a procedural manual which whould be ready for distribution some time in 1977.

Operating Standards - Multi-Year Budget

At this time the multi-year budget does not show monies budgeted for this program area.

JUVENILE JUSTICE

SERVICES - PROBLEMS AND NEEDS

Because of budgetary constraints and other problems, juvenile justice system personnel rarely get the opportunity to experiment with new techniques for helping juvenile offenders. Financial support and technical assistance are needed to encourage experimentation with new treatment approaches. This support is often not available from state and local government. Federal funds can encourage the development of new techniques in the field. Recidivism is a particularly difficult and perplexing problem for the juvenile justice system. By supporting innovative programs aimed at reducing recidivism, the intensive counseling subgrants will influence the rest of the juvenile justice system.

Juvenile justice agencies offer a host of special services which are addressed in other sections of this plan. Many other services should be available to the courts and juvenile justice agencies which are presently not available. These services cover the broad areas of education, employment, medical, mental health, and public awareness. A standards and goals effort must be begun in order to document which services should be made available to the juvenile justice agencies.

SERVICES - GOAL

To provide for services within the juvenile justice system that are innovative and replicable and which otherwise could not be supported by existing state and local government. The planned juvenile justice standards and goals effort will help to determine a quality level of service.

SERVICES - OBJECTIVES

1. Intensive counseling programs will be supported to encourage agencies to try new approaches to delinquency.

2. A standards and goals effort must be started to document services necessary to juvenile justice activities.

For support systems and community programs:

1. Education: Programs must be developed in the educational system to serve problem children. These should include attendance officers available to each school district, alternative education programs for youth who cannot function in the normal school setting, lowered age requirements for taking the GED, and expanded availability of vocational-technical training.

2. Employment: Older youths and drop-outs would benefit from union cooperative employment programs and job banks.

3. Medical: The role medical problems play in deviant behavior must be considered. Each community should offer eye care and dental care to all youth, tattoo removal and cosmetic surgery through corrections agencies, medical assistance for drug and sex-related problems.

4. Mental Health: Each mental health region should develop a forensics division.

5. Public Awareness: Community programs must be developed to inform the communities about their youth problems. Youth advocacy programs should be developed to give youth a voice in government and volunteer programs should be developed in all areas of youth services.

SERVICES - PRIORITIES

The main priority in this area is the implementation of a standards and goals effort that will document types and levels of services that must be available to youth courts. This effort will provide the data to adequately address this section.

SERVICES - MULTI-YEAR FORECAST

The SPA will continue to support small projects designed to provide supplemental services to juvenile justice agencies. This effort will continue at about the same level as in the past.

The standards and goals effort discussed in previous sections will provide direction for future efforts in this area.

SERVICES - MULTI-YEAR BUDGET

Refer to the multi-year budget at the front of this section, particularly to program H-2.

JUVENILE JUSTICE

Information Systems - Problems and Needs

In 1974 the SPA conducted a study of the Juvenile Court Statistics System to determine if it was meeting the informational needs of the planning agency and the probation officers. It was generally felt that the following problems existed with the current system:

- Data was received late from the juvenile probation offices.

- The processing time was too slow to provide useful statistical information.

The Juvenile Court Statistics System was originated by the SPA for planning purposes. The system was intended to provide quarterly statistical information on juvenile delinquency in Montana.

Input data to the system is being collected from Montana's judicial districts. The data is processed at the Department of Administration Data Processing Bureau on an IBM 360 computer. Output reports are generated on three-part paper by the system in the following summarized formats:

- state summary statistics by sex
- county summary statistics by sex
- judicial district summary statistics
- judicial district summary statistics by sex

Copy one of the county and judicial district report is separated, batched by judicial district, and mailed to the respective judicial district probation offices.

The three copies of the state report and the remaining two copies of the county and judicial district reports are kept by the SPA.

Completing the information on the juvenile statistics forms requires duplication of effort in the probation offices, since the forms do not serve the needs for caseload procedures. It is impossible for the probation offices to complete many of the forms in time to submit them to the SPA on a quarterly basis. Disposition and sociological information is not always available at the time of reporting, and updating capability is not provided by the system. The system requires the information to be processed by the date of referral. Late data is never compiled and reported to the probation offices.

Corrections to the information is almost impossible, since a record cannot be easily identified once it becomes automated. Reportin g is generated by the system in summary and any detail control is lost.

There is no capability provided by the system to determine recidivism, since individuals are not distinguishable.

To operate the system, a significant amount of time is required for professional and technical personnel to perform clerical tasks. The time involved causes considerable lags in processing the information.

A minimum of nine months is required to generate semi-annual reports. This information is too late to be of use by the probation offices and the SPA as an effective planning tool.

The computer is being used to compile and report the data, but not in the important role of editing the data. The current editing procedures, which are performed on an IBM 083 card sorter, are extremely slow, inaccurate, and costly. Too much time is required by the system for clerical and professional personnel at the SPA to sight-check and correct the data. The data should be computer-edited and returned in detail to the probation offices for correction. The editing procedures result in low quality data.

The system requires courier service which is currently being performed by a systems analyst.

The lack of flexibility in the system to extract data makes it either impossible or impractical to respond to user needs.

The main recommendation evolving from the study was to develop a new information system. It was further recommended that a five-member committee be formed from the Probation Officers' Association to assist the SPA in system design and development.

The tasks to be assigned to the committee would be as follows:

1. Determine information needs of the juvenile probation offices and the SPA regarding identification, referral, disposition, and sociological factors

2. Consider information needs of external agencies

3. Develop uniform forms, which would be acceptable for use in probation offices, to record data pertaining to identification, referral, disposition, and sociological factors

4. Coordinate with other members of the Association as to the progress and information needs established by the committee

5. Implement the forms in three test sites prior to implementing them statewide in order to determine and modify any weakness

These recommendations were approved by the SPA.

Information Systems - Goal

To develop a juvenile court information system designed to provide management information to youth court personnel

Information Systems - Objectives

The conceptual design is based on the following objectives:

-To process identification, referral, disposition, and sociological data within two weeks from the date received

-To respond to information needs of the probation offices and the SPA within 30 days of a request

Information Systems - Priorities

Since there is only one activity in this area, the priority is obvious.

Information Systems - Standards

Refer to the Montana Justice Project's Corrections Task Force report, standards 14.1, 14.2, and 14.3.

Information Systems - Multi-Year Forecast

Realistically, Montana will be fortunate to have a fully developed Juvenile Probation Information System by the end of the multi-year period. The basic system has been developed and will be operational by January 1, 1977. The next two years will be devoted to enhancing this system. Because the system has not yet functioned on a statewide level, it is difficult to project the amount of work that will be required to totally implement the system. System enhancement will also include work with other systems being developed such as OBSCIS.

Information Systems - Multi-Year Budget

Refer to the multi-year budget at the front of this section, specifically to program I-5.

CORRECTIONS

MANPOWER - PROBLEMS AND NEEDS

In the field of corrections, as in related fields, the most important single factor responsible for the success or failure of programs is the quality and quantity of personnel.

Correctional institutions need to provide incentives to retain personnel who have proved themselves to be capable employees. Yet, the Division of Corrections lacks sufficient manpower to release officers from duty for extensive training.

If correctional programming is to be realistically implemented to meet the needs of the offenders, then corrections in Montana needs to recruit and staff with people from diversified backgrounds and lifestyles. Approximately 13% of the prison population is Indian, which emphasizes the need for more native American representation in corrections personnel.

Ex-offenders, having been involved in correctional programs, have the potential for becoming valuable correctional employees. Properly selected, they could provide empathy and understanding that no amount of training or education could provide. It is essential that the manpower of the Division of Corrections be increased so that no one individual has neither an overwhelming caseload nor one that is insufficient as a share of the total caseload.

MANPOWER - GOAL

Providing technical assistance to the Corrections Division of the Montana Department of Institutions for the establishment of incentive programs to retain personnel who have proven themselves as capable employees or potentially capable employees in order to effect an impact on inmates' attitudes and rehabilitation

MANPOWER - OBJECTIVES

To provide technical assistance to the Department of Institutions in (but not limited to) the following manpower programs:

-Recruitment of Correctional Staff
-Recruitment from Minority Groups
-Employment of Women
-Employment of Volunteers
-Personnel Practices for Retaining Staff
-Participatory Management
-Coordinated State Plan for Criminal Justice Education
-Intern and Work-Study Programs
-Staff Development

To reduce the caseload of probation/parole field officers to 35 persons or 50 units per officer within a two-year time period (one person equals one unit and one pre-sentence investigation equals five units)

Manpower - Standards

The manpower programs as described are the national standards set by the National Advisory Commission on Criminal Justice Standards and Goals (standards 14.1 through 14.7 and 14.9 through 14.11 of the Corrections task force report). These standards have also been adopted by the Council on Criminal Justice Standards and Goals.

Manpower - Priorities

Although all the selected standards are of utmost importance to the correctional effort, priorities for Montana for 1978 are 1) recruitment of correctional staff, 2) employment, 3) staff development, and 4) volunteers.

Manpower - Multi-Year Forecast

Continue support for the Corrections Division of the Montana Department of Institutions for staff development programs for all levels of correctional personnel.

Manpower - Multi-Year Budget

Refer to the multi-year budget for action programs in the front of this section.

CORRECTIONS

Training - Problems and Needs

The problems confronting any correctional system are many and varied. The need for continued in-service training on a yearly basis is essential to alert personnel to emerging issues and new methodologies in corrections.

At present, there are no comprehensive nor consistent guidelines regarding recruitment and training for correctional officers. There is a great disparity between individual programs, such as those offered for correctional officers at Montana State Prison, and the lack of same for local jailers.

Although Montana State Prison has established an excellent pre-service and in-service training program, problems have arisen because of lack of personnel incentive.

Additional incentives must be offered to the correctional staff to make participation in the training programs more attractive.

Many city and county agencies and units of government do not have the necessary resources to give priority to correctional training and thus operate with totally inadequate personnel whose training and background have no relevance to corrections.

Training - Goal

To establish a career development program for correctional personnel under the aegis of the Correctional Officers Standards and Training Council.

Training - Objectives

To upgrade the quality of correctional personnel through support for recruit and in-service training for personnel at all levels of service within the correctional system

To attain 80 hours basic training and 40 hours in-service training annually for all correctional personnel throughout the state

Training - Standards

The training standards 13.7 and 13.8 have been adopted by the Montana Council on Criminal Justice Standards and Goals (Corrections task force report).

Training - Priorities

1. Correctional Officers Standards and Training Council
2. Career Development program for Correctional Personnel
3. Continuing In-Service Training

Training - Multi-Year Forecast

Action program B-5 will effect the continuation and expansion of training programs for correctional personnel.

Training - Multi-Year Budget

Refer to the multi-year budget at the front of this section. Specific reference is made to Program B-5.

CORRECTIONS

EDUCATION - PROBLEMS AND NEEDS

Without the opportunity to participate in educational programs while in prison, offenders on their release to the community find themselves in the same environment and circle of friends that combined to initiate their involvement with law enforcement. Therefore, the need to provide educational programs for the incarcerated is apparent. Many enter the state prison with tenth or eleventh grade educations and can participate in programs to attain a GED high school equivalency certificate. The post-secondary education program can put people in the best setting that the prison can provide. This is a healthy, mind-broadening experience, as many inmates feel a loss of identity and experience a feeling of hopelessness.

The correctional officers or guards do not need to meet specific educational requirements to be eligible for their positions. There is a need for incentives to encourage correctional personnel to complete their secondary education and continue until a certain level of formal education has been attained.

Obviously a lesser degree of education is needed to provide custody than is needed for medical and psychological diagnosis and treatment.

All areas of correctional treatment require a certain knowledge of the behavioral sciences. Since the emphasis at the prison is on rehabilitation rather than custody, the need exists for greater degrees of relevant education for employees of the institution.

EDUCATION - GOALS

Improve the educational level of employees within the state's correctional system

Provide academic and vocational educational opportunities to the incarcerated as a step in the rehabilitation process to prepare them for their return to the community

EDUCATION - OBJECTIVES

To upgrade the quality of corrections personnel through support for education at the secondary and post-secondary level

To provide academic and vocational education programs for the incarcerated as a step in the rehabilitation process to prepare them for their integration into the community

Education - Standards

Refer to standard 11.4 as set by the National Advisory Commission on Criminal Justice Standards and Goals (Corrections).

Education - Priorities

Montana's priorities in this area are two-fold: to improve the educational level of corrections personnel and provide academic and vocational education to the incarcerated by gearing educational programs to maximize resources and meet current and changing needs.

Education - Multi-Year Forecast

It is anticipated that special correctional programs will be designed to meet the needs in this area. Programs in the training category that are applicable to education of employees of the correctional system will continue to be upgraded and expanded.

Education - Multi-Year Budget

Refer to the multi-year budget for action programs in the front of this section. Specific reference is made to program B-5.

CORRECTIONS

Equipment - Problems and Needs

Modern equipment is essential to the changing field of corrections. As new ideas in incarceration and rehabilitation are devised, new equipment is essential to implement them.

At the local level, equipment is necessary for safety and security and for protection of the incarcerated.

Montana State Prison requires equipment for academic and vocational education. Diagnostic equipment is also needed for proper classification and evaluation of those convicted.

As training facilities and programs at the prison site increase, additional equipment must be furnished.

Highly specialized equipment is required for medical and psychological diagnosis and subsequent placement of all felony offenders.

Equipment for training and continuing education of field services personnel is adequate at this time, but must be upgraded for continued instruction in counseling techniques.

Equipment - Goals

Continue to improve Montana's correctional system by providing the necessary equipment for security, safety, and healthful surroundings

Equipment - Objectives

To provide the new facility at Montana State Prison with equipment necessary for security and safety of prison personnel and inmates

To provide the necessary equipment for academic and vocational education

To provide specialized equipment for medical and psychological diagnosis and subsequent placement of all felony offenders by 1978

Equipment - Standards

Standards 9.7, 9.8, and 9.10 (Corrections report) have been set by the NACCJSG.

Equipment - Priorities

Priority areas encompass security classification of offenders, education and vocational training.

Equipment - Multi-Year Forecast

Necessary security, educational, testing and rehabilitation equipment will be provided the state prison to bring that institution to current standards.

Continued support will be provided for state and local facilities improvement through technical assistance and funding incentives.

Equipment - Multi-Year Budget

Refer to the multi-year budget at the front of this section. Specific reference is made to Part E programs.

CORRECTIONS

Facilities - Problems and Needs

There is a nationwide movement to de-emphasize public facilities, particularly new prison facilities and juvenile institutions. However, the reality remains that certain custodial institutions are necessary. A need exists for long-term incarceration as well as temporary lock-up facilities. There is an immediate need for some new construction, some renovation, and in some cases total abandonment.

As reflected in the resources section of this Plan, poor conditions exist in the majority of Montana's county jails. These conditions hinder progress of correctional services at this level. The age and physical condition of many of these facilities constitute a major concern.

The planning regions throughout the state should identify these facilities and consider consolidation and multi-jurisdictional facilities to meet the needs of the individual in all phases of the correctional process.

Each community must have temporary holding facilities which should be used only for pre-trial detention and not be considered a part of the correctional environment. With the rising costs of materials and labor and accompanying budgetary limitations, local government is hard pressed to renovate or build facilities.

Facilities - Goal

To provide a correctional climate which is conducive to reducing recidivism by eliminating sub-standard conditions in all correctional facilities

Facilities - Objective

To provide at least minimum standards for the health and welfare of inmates at the local level and use these facilities only for temporary incarceration

Facilities - Standards

Standards 6.1, 8.2 and 10.2 (Corrections task force report) have been adopted by the Montana Justice Project.

Facilities - Priorities

Priorities include abandoning the old Montana State Prison by the end of 1979;

assisting local units of government in planning for the construction or renovation of facilities; and ,

providing technical assistance from the SPA and National Clearinghouse for feasibility studies on consolidation and multi-jurisdictional facilities.

Facilities - Multi-Year Forecast

It is anticipated that support will be continued for a clinical services and diagnostic testing facility in the next three years. Also, continued support for local jail improvement including consolidated jail facilities and local holding facilities will be provided to bring those facilities up to standard for the health and welfare of those detained. Suitable alternatives to county jails, such as centers for pre-release, work release, restitution, and post-release programs, will be identified.

Facilities - Multi-Year Budget

Refer to the multi-year budget at the front of this section--specifically to programs E-5 and G-1.

CORRECTIONS

WORKLOADS - PROBLEMS AND NEEDS

Budget limitations have forced many correctional workers to assume excessive workloads.

The distances among facilities and general disrepair of the old state prison (in which 200 inmates are still housed) reduce efficiency. Consequently, additional manpower is required. Even with a high ratio of officers to inmates the workload exceeds the desired standard.

Probation and parole field officers are severely hampered by excessive caseloads and in some instances the officers are responsible for up to 90 persons each. With these conditions, it is apparent that effective counseling of the probationer or parolee by the field officer is greatly impeded.

Increased workloads are anticipated for personnel in community corrections as the emphasis shifts toward that form of rehabilitation.

Completion of an additional housing unit at the new state prison by the end of 1978 will improve the physical work environment.

Additional probation/parole field officers are needed to reduce the overall caseload per individual officer. Efficient utilization of volunteers and paraprofessionals is needed in this area to assist field officers.

WORKLOADS - GOAL

To increase the efficiency of manpower deployment and workloads within Montana's correctional system

WORKLOADS - OBJECTIVES

To reduce the caseload of probation/parole field officers to 35 persons or 50 units per officer within a period of two years

WORKLOADS - STANDARDS

Standards 11.6, 13.4, 13.5, 14.1, and 14.5 (Corrections task force report) all address correctional workloads. These standards have been adopted by the Montana Justice Project.

Workloads - Priorities

The SPA will provide the necessary technical assistance and support for priorities established by the Division of Corrections.

Workloads - Multi-Year Forecast

Activity is anticipated in the following areas:

reduction of caseload of probation/parole field officers;

reduction of excessive workloads throughout the state correctional system.

Workloads - Multi-Year Budget

The workload study was budgeted in the 1976 action grants. No further monies have been budgeted for the next three years in this area.

CORRECTIONS

Operating Standards - Problems and Needs

The development of a correctional system within the encompassing social system of Montana has been characterized by discontinuities--discontinuities that result in stress and strain for the existing correctional system stemming from minimal planning for the entire system.

In order to minimize the lack of cohesion within the system and to obtain a better equilibrium in the structure and function of a correctional system, comprehensive planning for that system is imperative. It is necessary not only to cope with and manage the correctional system as it currently exists, but to also lay a foundation of systematic and logical planning specific to the encompassing social system which will optimally provide the means for developing effective programs, facilities, and efficient management.

Operating Standards - Goals

To formulate a corrections master plan; to plan, coordinate, and integrate all the various aspects of the correctional system

Operating Standards - Objectives

To provide for a unified corrections system through planning and integration

To eliminate duplication of service delivery

To support the implementation of standards recommended by the Montana Justice Project task force on corrections

The policy of corrections should contain the following premises:

Correction's first function is to protect the public. Efforts will be emphasized that assure an offender will not return to crime after release from the correctional system.

The public is protected by a correctional system characterized by concern, diversified programs for individuals, and reintegration concepts as well as punitive measures.

Persons accused of criminal conduct or delinquent behavior and awaiting trial should be subjected to the

least amount of restraint. This condition should give reasonable assurance that the accused will appear for trial. Confinement should be used only where no other measure is shown to be adequate.

An offender's correctional program should be the least drastic measure consistent with the offender's needs and with public safety. Confinement, which is the most drastic disposition for an offender and the most expensive for the public, should be the last alternative considered.

A further objective is to enact legislation that should include:

- authorization for the assignment or transfer of offenders to facilities or programs administered by the Department of Institutions, local subdivisions of government, the federal government, other states, or private individuals or organizations

- authorization for the transfer of offenders in need of specialized treatment to institutions that can provide it. This should include offenders suffering from physical defects or disease, mental problems, narcotic addiction, or alcoholism, consistent with applicable law

- provision requiring that the decision to assign an offender to a particular facility or program shall not in and of itself affect the offender's eligibility for parole or his length of sentence

Operating Standards - Standards

The operating standards explained in this report reflect those standards adopted by the Montana Justice Project.

Operating Standards - Priorities

The SPA will provide the necessary assistance and support for priorities established by the Division of Corrections.

Operating Standards - Multi-Year Forecast

The SPA will provide the Corrections Division of the Department of Institutions with all technical assistance available.

Operating Standards - Multi-Year Budget

No monies have been budgeted for this program area in FY1978.

Services - Problems and Needs

Delivery of community resources to the parolee is one of the major problems for the probation and parole office.

Services that are available are inconsistent and in many cases difficult to coordinate.

Through rehabilitation and decrease of the recidivism rate* the most important service is provided to society. Indirectly considerable tax savings are realized through decreased incarceration costs.

The rehabilitative process begun at the prison needs to be nurtured in the community, but heavy workloads of the probation and parole officers hinder the process.

Services that could be offered to those incarcerated in local jails and others residing in halfway houses are not being used to their full extent (i.e., health, mental health, counseling, welfare, employment, etc.).

When all inmates are housed at the new facility, a greater service area will be provided. Rehabilitation programs may be begun at the prison and continued following the prisoner's release. With the beginning of an adequate rehabilitation process at the prison and its continuance on the street, the citizen will be provided long-term benefits.

Services - Goals

1. To provide protection for society

2. To integrate the rehabilitated offender into society and reduce the rate of recidivism

Services - Objectives

To develop a directory of all available community resources that can be used by probation/parole field officers in their respective localities

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*Recidivism is measured by (1) criminal acts that resulted in conviction by a court, when committed by individuals who are under correctional supervision or who have been released from correctional supervision within the previous three years, and by (2) technical violations of probation or parole in which a sentencing or paroling authority took action that resulted in an adverse change in the offender's legal status. This is the same definition used by the NCCJSG and the Montana Justice Project.

To recruit and screen community volunteers to assist in rehabilitation efforts

To reduce the workload of probation/parole field officers by using community volunteers and paraprofessionals

Services - Standards

Standard 11.4 (Community Services for Parolees - Corrections task force report) has been adopted by the Montana Justice Project.

Services - Priorities

It is imperative that a coordinated delivery system for human service resources be developed, public involvement in corrections should be promoted, workloads of probation/parole officers should be decreased through the use of volunteers and paraprofessionals.

Services - Multi-Year Forecast

It is expected that support will be continued for services provided to the incarcerated and the paroled.

At least one community corrections facility should be established in a high population area in the state.

A community program for female offenders should be developed.

Services - Mutli-Year Budget

Monies have been budgeted in the multi-year budget. Manpower (A-5) and Part E (P-25) categories.

CORRECTIONS

Information Systems - Problems and Needs

In most states and on a national basis, correctional systems lack basic information on the people who have been committed to their care. It is frequently difficult to get a current, detailed accounting of offenders on a day-to-day basis. Lacking this and other information system elements, managers do not have a sound basis for reaching effective decisions on even basic requirements -- such as the placement of individuals within programs and institutions on the basis of available facilities and services. Beyond the basics of prisoner and population control, corrections managers often have little, if any, information on programs and services provided by other institutions.

The existence of a basic, uniform, national program of information exchange would serve the combined needs of corrections managers, behavioral scientists, and groups of concerned citizens.

The records of the state prison are not easily retrievable for use elsewhere. Furthermore, the prison records are not standardized, which makes comparison more difficult. The prison does not have easy access to records of those persons in other parts of the system.

There exists a need to standardize recordkeeping and maintain all records in a central location so that each correctional agency may easily retrieve information needed for its purposes.

Members of the Board of Pardons do not have easy access to needed information about the persons coming before the Board or those released from prison to its charge.

The parole and probation authority must have access to speedy, reliable information about the individuals who will appear at parole hearings. The field officer must have background information concerning correctional benefits afforded his client.

At this time, it is impossible to pinpoint where in the system an individual is at any given time. Once a person is discharged from the system into the community, we must be able to evaluate the effectiveness of the correctional process through information. The district judges need information prior to sentencing.

A central correctional records information system housed within the Division of Corrections could easily provide the necessary records and information to determine where the person is in the system, or if he is outside the system, provide necessary evaluative information. It also could provide the sentencing authority with information required.

Information Systems - Goal

To design a state correctional information system to fit within the state's unique needs, in terms of priorities, legislation, policies and restrictions

Information Systems - Objectives

To design, develop, and implement an offender based state corrections system (OBSCIS) within three years

Information Systems - Standards

Standard 14-A (Information Systems task force report) is a recommendation which has been adopted by the Montana Justice Project.

Information Systems - Priorities

First it is necessary to plan the project; then to develop the individualized system for the state, and implement the OBSCIS process.

Information Systems - Multi-Year Forecast

1978 - Continue support for OBSCIS
1979 - Provide support to state agencies whose functions provide input for OBSCIS

Information Systems - Multi-Year Budget

A discretionary grant has been awarded for $140,000. No monies have been budgeted for 1978 or 1979.

PART III - THE ANNUAL ACTION PROGRAM

Summary Reference to Action Programs

Program	Federal	State/ Local	Total	Match Ratio (%)
A-1	-0-	-0-	-0-	90/10
A-2	35,000	35,000	70,000	75/25,50/50,25/75
A-3	20,000	20,000	40,000	75/25,50/50,25/75
A-5	-0-	-0-	-0-	90/10
A-23	85,000	9,500	94,500	90/10
A-24	-0-	-0-	-0-	90/10
TOTAL	140,000	64,500	204,500	
B-4	-0-	-0-	-0-	90/10
B-5	5,000	600	5,600	90/10
B-22	25,000	2,800	27,800	90/10
B-23	20,000	2,300	22,300	90/10
B-24	25,000	2,800	27,800	90/10
TOTAL	75,000	8,500	83,500	
C-2	25,000	2,800	27,800	90/10
TOTAL	25,000	2,800	27,800	
D-1	-0-	-0-	-0-	75/25
D-4	-0-	-0-	-0-	
TOTAL	-0-	-0-	-0-	
E-5	-0-	-0-	-0-	75/25,50/50
TOTAL	-0-	-0-	-0-	
F-4	-0-	-0-	-0-	90/10
TOTAL	-0-	-0-	-0-	
G-1	-0-	-0-	-0-	
G-2	340,500	37,900	378,400	90/10
G-7	25,000	2,800	27,800	90/10
TOTAL	365,500	40,700	406,200	

Program	Federal	State/ Local	Total	Match Ratio (%)
H-1	88,500	9,800	98,300	90/10
H-2	5,000	600	5,600	90/10
H-11	30,000	3,400	33,400	90/10
H-12	25,000	2,800	27,800	90/10
TOTAL	114,500	12,900	127,400	
I-1	13,500	1,500	15,000	90/10
I-2	60,000	20,000	80,000	75/25
I-4	100,000	12,000	112,000	90/10
I-5	7,500	900	8,400	90/10
I-11	15,000	1,700	16,700	90/10
TOTAL	196,000	36,100	232,100	
TOTAL PART C	950,000	169,200	1,119,200	
P-25	35,000	4,000	39,000	90/10
P-30	37,500	4,200	41,700	90/10
P-31	42,500	4,800	47,300	90/10
TOTAL	115,000	13,000	128,000	
GRAND TOTAL	1,065,000	182,200	1,247,200	

Only those programs for which 1978 action funds have been allocated are described in the following pages.

TITLE: POST-GRADUATE EMPLOYMENT (A-2)

RELATIONSHIP TO PROBLEM ANALYSIS: The mean formal educational level of Montana's law enforcement officers is less than the public mean.

Many law enforcement agencies do not actively recruit college educated applicants for officer vacancies.

Many law enforcement agencies are unable to meet the increasing demands for service in criminal matters due to an inadequate number of sworn officers. Budgets are not adequate to effect an immediate manpower increase nor are there any indications of projected increases in a relatively short time. These problems are discussed in the Problem Analysis and Resources sections of this Plan.

OBJECTIVES:

To increase the mean level of law enforcement education to 14 years by 1980

To encourage the active recruitment of college educated applicants by law enforcement agencies

To effect an immediate increase in the number of sworn officers within law enforcement agencies with a long-range increase in the level of law enforcement professionalism

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

This project bears relationship to the SPA objective of providing financial support through subsidized employment for 30 criminal justice graduates in state and local criminal justice agencies working toward the goal of increasing the operating efficiency and effectiveness of the criminal justice system.

Also refer to the NACCJSG* police report standards 15.1 and 15.2.

IMPLEMENTATION:

Funds will be limited to the maintenance of current projects that have been funded under this program previously. The program has been limited to agencies requiring manpower and financial support which expressed an interest in employing a criminal justice graduate with either an Associate or Bachelor's

*National Advisory Commission on Criminal Justice Standards and Goals

degree. Funding is for salaries on a three-year declining scale. The first year, federal funds provided 75% of salaries to a 25% state/local fund match. The second year is based on a 50%-50% match, and the third year on a 25% federal and 75% state/local ratio. Travel, per diem, and operating expenses will be the responsibilities of local government.

Should federal funds be reduced or terminated, the local governments participating in this program will be required to assume financial responsibility for personnel or terminate their employment.

It is anticipated that with the available funds only those projects that are currently under the program will be funded. Seven continuation subgrants are anticipated ranging from $2,500 to $6,500 each.

BUDGET:

	LEAA	State/ Local	Total	Percentage
Part C	$35,000	$35,000	$70,000	75/25 50/50 25/75

TITLE: JUVENILE PROBATION MANPOWER ASSISTANCE (A-3)

RELATIONSHIP TO PROBLEM ANALYSIS: Montana's juvenile court personnel are handicapped by large caseloads and broad geographic areas. The urban areas of the state need additional manpower to develop special services such as intake, resource development, and additional counseling services. Rural areas need additional manpower support to adequately serve the large geographic areas. This is discussed more fully in the Problem Analysis section, and the project is referenced in the multi-year budget.

OBJECTIVE:

This program is designed to subsidize the employment of five deputy probation officers to reduce the caseload of individual officers to a level not greater than 50 cases. One of the officers will be employed in communities not previously having juvenile probation service.

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

This project is related to the SPA goal of reducing the caseload of juvenile probation officers in 50% of the state judicial districts to 50 case equivalents per officer at a cost not to exceed $23,000 per officer, by 1979. This is aimed at the goal of reducing the recidivism rates of juvenile offenders.

IMPLEMENTATION:

Five deputies having the minimum qualifications established by law have been hired. Each deputy is under the direct supervision of a chief probation officer. This year's program will provide continuation funding for positions funded in previous years. No new positions are being funded.

Funding will be limited to 50 percent of the actual salary. The remaining 50 percent of the salary and incidental expenses such as travel, per diem, and operating expenses will be the responsibility of the county. Subgrants will be awarded with the understanding that the federal share of the subsidy decreases over the three-year period. Continuation funds will be available to participating counties willing to increase their share of the subisdy by 25 percent each year. Any technical assistance necessary will be furnished according to discussion of the technical assistance plan in this volume.

Five subgrants are anticipated under this program. All grants will be to county government.

Each subgrant is made with the understanding that the federal share of the project will decrease over a three-year period. The first year funding was 75% federal and 25% local. Continuation funds are available if the grantee increases his proportionate share of the total project cost by 25% over the previous year. Second and third year funding will be based on a percentage of the first year's budget, thus salary increases are the responsibility of local government.

BUDGET:

	LEAA	State / Local	Total	Percentage
Part C	$20,000	$20,000	$40,000	50/50 25/75

TITLE: COURT MANPOWER (A-23)

RELATIONSHIP TO PROBLEM ANALYSIS: This program addresses the problems of management of growing caseloads in trial courts and in the appellate court through the addition of court support services rather than through redictricting or by increasing the number of judgeships.

OBJECTIVES:

The objectives of this program are:

1. To improve the case management capabilities of appellate and trial courts by upgrading the judicial information system or components thereof by establishing a systems analyst in the office of court administrator

2. To assist certain trial and appellate judges in legal research by supplying a law clerk to one district judge in a high crime area and two additional law clerks to the supreme court

3. To reduce the time spent in administrative tasks by three district court judges by provision of legal secretaries or additional court reporters

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

Goals and standards of the Montana Justice Project, the legislature, and the judicial branch coincide with the LEAA priority to reduce court congestion and delay by the provision of administrative and research personnel to the supreme court and to trial courts in high crime, high caseload areas. See also the goals, standards, and objectives in the manpower and information systems sections of the multi-year section.

IMPLEMENTATION:

This program will fund the compensation for three law clerks, two legal secretaries, a court reporter, and a systems analyst until about September 30, 1978. It is expected that the additional personnel will free judges of routine administrative and research activities, thus allowing them more time for case processing and reducing backlog. It is anticipated that the state will assume costs of the program by July 1, 1979. Caseloads of the supreme court and some trial courts have almost doubled in the past three years with little or no increase in resources available to these courts. Backlogs, especially in civil cases, are therefore growing. This program should, at a minimum, prevent any further increase in congestion and may work to reduce current backlog.

The eligible applicant under this program will be the office of court administration, which will allocate funds as specified in the foregoing and perform budgetary and accounting functions. One subgrant not to exceed $100,000 will be awarded.

BUDGET:

	LEAA	State/ Local	Total	Percentage
Part C	$85,000	$9,500	$94,500	90/10

TITLE: DIVISION OF CORRECTIONS TRAINING PROBATION/PAROLE (B-5)

RELATIONSHIP TO PROBLEM ANALYSIS: The frequent changes in statutes and personnel bring about the need for continual in-service training of juvenile Aftercare personnel and probation/parole officers. This is discussed in the problem analysis section of this Plan.

OBJECTIVES:

To provide field officers of the Division of Corrections with 80 hours of in-service training per year

RELATIONSHIP TO GOALS, STANDARDS, AND OBJECTIVES:

Besides relating to the problems discussed in the Problem Analysis-Corrections and Juvenile Justice sections, this program relates to the SPA goal of providing in-service training for 50 or 60 juvenile justice practitioners, including juvenile probation officers, institutional personnel, and law enforcement officers through 1978.

IMPLEMENTATION:

Funding may be requested for development of teaching aids and travel and per diem of officers and instructors. This in-service program will supplement basic orientation training.

The 80 (approximate) hours of training should increase the knowledge and effectiveness of the parole officer by providing direction and developing skills in field counseling, community involvement, legal knowledge, job placement, and family relations, and by providing a better understanding of modern concepts of community corrections. The program is also designed to standardize the pre-sentence investigation procedure and improve the officers' service to district courts in pre-sentence investigation and information gathering.

The training for this project will be provided by university professors and professionals in related areas such as district judges, county attorneys, sociologists, welfare agencies, employment agencies, and other probation and parole systems.

It is anticipated that the program will continue and require federal funding through 1978.

Necessary technical assistance will be furnished in accordance with guidelines in the Technical Assistance section of this Plan.

BUDGET:

	LEAA	State/ Local	Total	Percentage
Part C	$5,000	$600	$5,600	90/10

TITLE: IN-SERVICE TRAINING FOR JUDICIAL BRANCH PERSONNEL (B-22)

RELATIONSHIP TO PROBLEM ANALYSIS: The introductory problem analysis for courts, prosecution, and defense indicates a critical need for in-service training for judicial branch personnel.

OBJECTIVES:

The purpose of this program is to assist the Montana Supreme Court and the office of court administration to plan and implement full-scale, statewide, in-service training, and provide training materials for all judicial branch personnel in 1978 according to priorities that may be established by statute, by needs assessments, or by evaluation, and in keeping with equitable standards or criteria for training eligibility to be developed by the supreme court, the court administrator, and/or their authorized representatives, with fiscal review by the SPA to insure conformity with federal funding policies and regulations.

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

On a multi-year basis, this program will fully achieve the standards, goals, and objectives described in the multi-year forecast section of this Plan.

IMPLEMENTATION:

The development of a comprehensive in-state and out-of-state training program for all judicial personnel is contemplated. "Judicial personnel" may be taken to mean all judges (except those dealing exclusively with administrative or regulatory law), clerks of court, court reporters, and other personnel providing courts support services in-

cluding administrative, clerical, and legal research personnel. The supreme court and the office of court administration will establish training priorities and criteria in line with legislative policy and with the objectives set out herein.

Emphasis will be given to expansion of in-state training, the training of inexperienced judges and courts personnel, the training of lower court judges generally, and to minimum standards of in-service training for judicial branch personnel. The program includes a component for evaluation. Technical assistance will be provided as described in this Plan.

BUDGET:

	LEAA	State/ Local	Total	Percentage
Part C	$25,000	$2,800	$27,800	90/10

TITLE: JUVENILE JUSTICE TRAINING (B-23)

RELATIONSHIP TO PROBLEM ANALYSIS: In June, 1976, the SPA funded the first statewide training program for youth court personnel. This was the first such effort conducted for local juvenile justice personnel and highlighted the need for additional training of this type.

A major obstacle to training youth workers in Montana is demography. The small numbers of personnel that work in any given agency or position have discouraged regional training efforts. The geography of the state severely limits the number of statewide training sessions that can be attended.

There is still a need for a comprehensive training program using the resources of Montana's higher education system. Such training must be made available to all personnel working with youth in the juvenile justice system. This includes, but is not limited to, youth court judges, youth court probation personnel, group home staff, private child care agencies, mental health personnel, law enforcement officers, and social service personnel. Basic training in technical skills can be offered to a broad cross section of agencies and personnel. This would increase the possibility of regional training, thereby reducing travel time and expenses for participants. This approach would also increase interchange among agencies and improve communication.

OBJECTIVE:

To provide a minimum of 32 hours of training for 200 persons working with troubled youth in Montana

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

This program represents a significant step toward solving the problems described in the multi-year section, and toward the SPA goal of increasing the professional skills and proficiencies of criminal justice practitioners by providing training in administration and/or treatment methodology. It will also improve the coordination of various agency activities by increasing communication among personnel.

IMPLEMENTATION:

Funding may be requested for personnel, teaching aids, and travel and per diem to prepare and conduct the training.

The program will involve instructors from many of the state's colleges and universities which, through the Montana Association of Criminal Justice Educators (MACJE), will encourage the participation of each of the Association's members.

Individual projects will be encouraged to involve multi-agency training, and work will be initiated with the Governor's office during the coming year to coordinate this program with training programs offered by other state agencies.

A consortium arrangement with the MACJE will determine the level and type of participation from the state's colleges and universities.

BUDGET:

	LEAA	State/ Local	Total	Percentage
Part C	$20,000	$2,300	$22,300	90/10

TITLE: PROSECUTION TRAINING (B-24)

RELATIONSHIP TO PROBLEM ANALYSIS: See introductory problem analysis for multi-year plan for courts, prosecution, and defense. In-service training programs have reached about half of the prosecutors at the county level and none of the city attorneys.

OBJECTIVES:

This program is designed to continue and expand in-state, in-service training in trial and management skills and/or in current substantive and procedural criminal or juvenile law for prosecutors, and to provide minimal out-of-state training according to criteria to be developed by the office of the attorney general in cooperation with the county attorneys. It is also designed to implement a new approach to law interms, in which an internship will clearly constitute a part of the law school clinical education program.

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

This program represents a partial implementation of the training goals, standards, and objectives in the courts area as described in the multi-year section of this Plan.

IMPLEMENTATION:

It is anticipated several statewide and regional training courses will be developed for prosecutors through the cooperative efforts of the attorney general's office and the county attorneys. It is also anticipated by 1980, through the cooperative efforts of the law school and county attorneys, a new approach to training law interns will be established. Internship will constitute part of a law school clinical education program.

Subgrants will be available under this program for purposes of prosecutors' in-service training. Eligible subgrantees include, but are not necessarily limited to, the Office of County Attorney Training, the County Attorneys' Association, the Department of Justice, the Association of City Attorneys in the Montana League of Cities and Towns, and/or any unit of general local government. A subgrant will also be made available to the law school for the purpose of establishing the intern program.

BUDGET:

	LEAA	State/ Local	Total	Percentage
Part C	$25,000	$2,800	$27,800	90/10

TITLE: PUBLIC EDUCATION (C-2)

RELATIONSHIP TO PROBLEM ANALYSIS: The needs to publicize the activities and functions of LEAA and the SPA and to promote general awareness of the criminal justice system are not generally unmet. However, police-community relations seminars held around the state demonstrated a need

on the part of law enforcement agencies to communicate with the public and solicit the public's assistance and cooperation in crime prevention activities. In this regard, interest in a statewide crime prevention effort is high, and the role of the SPA as spearhead is essential.

OBJECTIVES:

To continue to publicize LEAA and SPA activities; to promote general awareness of the criminal justice system; to help launch a statewide crime prevention campaign

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

Public relations (community awareness) appears as a high priority in both the input from the Regional Advisory Councils and Montana Justice Project recommendations.

The consumer (victimization) surveys conducted also point out a definite need as indicated by the level of unreported crime and a possible lack of confidence in the criminal justice system by Montana citizens.

IMPLEMENTATION:

Funding may be requested for personnel, operating expenses, printing, and other costs involved in dissemination of information to the public.

To accomplish the stated objectives, the SPA will continue its present public information services. This includes continuing employment of a public information officer to produce the agency newsletter "Checkmate," press releases, and compliance and special documents. Feature and background releases will be made to increase general knowledge of LEAA and state programs and priorities. Special campaigns will be implemented, such as in crime prevention.

Technical assistance will be provided either from the SPA staff or the public information officer directly or in the role of resource coordinator.

BUDGET:

	LEAA	State/ Local	Total	Percentage
Part C	$25,000	$2,800	$27,800	90/10

TITLE: TARGET-CRIME AREAS (G-2)

RELATIONSHIP TO PROBLEM ANALYSIS: The major problems in the target crime areas are similar to problems throughout the state and are included in the general problem statements of this Plan for the entire criminal justice system.

This program addresses problems that are both crime reduction oriented and systems capability oriented. Refer to the discussion of high crime incidence/law enforcement activity areas in the Crime Analysis section of this document.

The systems analysis employed in this process will take into consideration the special problems of the juvenile justice system, and particularly the methods of handling status offenders.

OBJECTIVE:

To provide development and implementation funds to areas of high crime incidence selected by the SPA, by crime-specific planning, assessment of existing resources, and better use of present capability

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

This program is related primarily to the SPA goal of increasing the operating efficiency of the criminal justice system, thereby reducing crime in the state, and to the affiliated objective of instituting system-wide crime-specific planning projects in the high crime incidence areas of the state, based on crime rate and volume criteria. This program will also address the problem of status offenders, as it relates to the overall effectiveness of the justice system.

IMPLEMENTATION:

The SPA has selected burglary as the target crime, based upon current crime data analysis.

The areas selected for the development of specific crime impact projects are Billings (Yellowstone County), Missoula (Missoula County), and Great Falls (Cascade County).

Continuation funds will be provided for the crime impact strategy in the target-crime areas. All elements of the local criminal justice system will participate in the development and implementation of the strategy.

The initial steps in each target crime area involve establishing a project coordinator and providing the requisite training in the theory and design of a crime impact strategy. Training will include basic management by objectives (MBO) theory and practice and will be provided for all participants in the development of the local strategy to reduce burglary. Each target crime area will then conduct its own research and devise its own strategy for implementing its own programs. The first year's funding will cover laying the groundwork and funding duration will be three years, after which time it is hoped support will be assumed by local government.

The Yellowstone County program has elected to affect burglary by diverting status offenders from the criminal justice system. This also relates to the federal mandate of deinstitutionalization of status offenders.

Technical assistance will be available as outlined in the technical assistance plan description in this Plan.

Funding will be available only to the pre-selected areas.

BUDGET:

	LEAA	State/ Local	Total	Percentage
Part C	$340,500	$37,900	$378,400	90/10

TITLE: PROJECT EVALUATION (G-7)

RELATIONSHIP TO PROBLEM ANALYSIS: A lack of correlation exists between project development and measurement of project results. Annual action projects are sometimes developed with little concern for means or mechanisms to measure their success or failure.

Without this necessary feedback to the planning cycle, programs may continue that contribute very little to the reduction of crime or improvement of the criminal justice system.

OBJECTIVES:

To conduct intensive evaluations of selected projects or programs as determined by planning needs

To integrate the evaluation function with the planning process and provide an assessment of accountability for program activity essential to the decision-making process of the SPA

To incorporate evaluation as the initial part of subgrant development; to facilitate the continuing process of evaluation which takes place before, during, and after the implementation

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

This program meets the SPA objective of developing and implementing a project evaluation strategy that insures project quality and provides an information base for future planning. This objective is directed toward the goal of reducing crime and delinquency in Montana.

IMPLEMENTATION:

An acceptable level of program evaluation is necessary to provide management and local agencies with program and project results to use in their decision-making.

As the planning/evaluation effort develops, the planner/evaluator can insure that grant applications fit within the program as envisioned. In addition, the planner will review the application for criteria necessary to perform the level of evaluation needed, monitor the project's progress from start-up to completion, and compare the results with stated objectives.

Technical assistance will be requested to provide additional training in evaluation methodology, techniques, and design.

BUDGET:

	LEAA	State/ Local	Total	Percentage
Part C	$25,000	$2,800	$27,800	90/10

TITLE: COMMUNITY CRIME PREVENTION (H-1)

RELATIONSHIP TO PROBLEM ANALYSIS: Many criminal justice agencies are misunderstood by the media and the public. Criminal justice often operates in a climate of apathy.

Without citizen cooperation law enforcement agencies often cannot identify problem crimes and high crime areas and consequently cannot effectively combat crime or deploy patrol personnel.

Programs are needed to disseminate crime prevention information and practical techniques to the public and to encourage active citizen participation in criminal justice service and responsibility.

There is a limited effort toward statewide coordination of crime prevention activities.

OBJECTIVES:

To help criminal justice agencies develop and maintain public information programs

To encourage projects oriented toward crime prevention education, citizen cooperation, promotion of public trust or understanding, discouragement of delinquency, or any other purpose for which a need for improved interaction between the public and the criminal justice system can be demonstrated and an improvement anticipated

To assist in the development of a coordinated statewide crime prevention effort

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

Refer to the Montana Justice Project's Community Crime Prevention task force report.

It is a continuing objective of the SPA to assist criminal justice agencies in developing a public communication and education capability that increases public awareness and encourages public involvement in crime prevention activities.

IMPLEMENTATION:

Funding may be requested for personnel, transportation, per diem, equipment, operating expenses, and hand-outs and/or display materials to encourage citizen understanding and involvement in criminal justice-related activities. Criminal justice agencies which determine a problem area or a specific need for public cooperation may apply for funding.

Technical assistance will be available as outlined in the Technical Assistance section of this Plan.

A number of subgrants ranging from $500 to $10,000 are anticipated. Criminal justice agencies identifying a specific need and/or plan for improved communication are eligible for funding under this program.

An agency requesting funds under this program is required to perform an internal assessment of its project. Guidelines for preparing a subgrant application narrative capable of being internally assessed are contained in the MBCC Instruction Grant Application booklet.

BUDGET:

	LEAA	State/ Local	Total	Percentage
Part C	$88,500	$9,800	$98,300	90/10

TITLE: INTENSIVE COUNSELING SERVICES (H-2)

RELATIONSHIP TO PROBLEM ANALYSIS: Personnel working with youth in Montana's juvenile justice system often become locked in to the procedures of processing youth. Failures with new techniques and budgetary restraints often prevent the staff from trying new programs or ideas.

There is a need to support and encourage the development of new techniques in this field. This support is often not available from state and local government, and should be provided initially from federal sources.

Refer to discussion of problems and needs in the Problem Analysis (Juvenile Justice) section. See also the multi-year budget.

OBJECTIVE:

To reduce the incidence of juvenile recidivism by providing intensive counseling to seriously disturbed youth

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

Refer to related discussions in the Problem Analysis (Juvenile Justice) section of this plan.

In order to reduce the recidivism rates of juvenile offenders, one objective of the SPA is to provide intensive counseling for 150 seriously disturbed youth by 1979.

IMPLEMENTATION:

Funds may be requested for personnel, consultant fees, transportation, per diem, and operating expenses. Funding will be provided for one juvenile court to implement a counseling program far more intensive than probation typically provides.

Several approaches to altering the behavior patterns of youth will be used to implement this project. All of the youth participating in the project will be hard-to-reach youth who have not benefited from traditional probation. Strict records will be kept on the participating youth to determine the effectiveness of the program. The program approach may consist of group counseling, outwardbound type experiences, family counseling, or intensive supervision. Technical assistance will be available as outlined in the technical assistance plan description.

One subgrant for $5,000 is anticipated. The funds will be granted to a unit of state or local government.

BUDGET:

	LEAA	State/ Local	Total	Percentage
Part C	$5,000	$600	$5,600	90/10

TITLE: JUVENILE RESTITUTION (H-11)

RELATIONSHIP TO PROBLEM ANALYSIS: The problem of property crimes committed by juveniles is one of major porportion in the state of Montana. Arrest rates discussed elsewhere in this Plan document the magnitude of the problem. Surveys conducted by the SPA indicate the general public has a major concern about vandalism. These surveys also indicate the public would like to see restitution as a disposition for these crimes.

The courts are continuously looking for dispositions that will be humane, but effective. Restitution appears to meet the needs of the juvenile justice system, as well as satisfy the desires of the public. In the absence of much historical data regarding the effectiveness of restitution as a rehabilitative tool, the SPA must monitor funded programs closely to document these effectiveness.

A constant problem for restitution programs is locating jobs that juveniles can obtain to earn money. The SPA has been working closely with the Governor's Manpower Council to solve this problem.

OBJECTIVES:

To assist local Youth Courts in establishing restitution programs affecting a minimum of 100 youth

To arrange for 50 positions to be funded by CETA for youth cooperation in restitution programs

RELATIONSHIP TO GOALS, STANDARDS, AND OBJECTIVES:

This program attempts to alleviate some of the problems of juvenile crime (see figures in Crime Analysis section) and respond to the feelings of the public, which favors this type of action, as stated above.

IMPLEMENTATION:

Funding may be requested to support the hiring of personnel needed to establish and implement a restitution program in Youth Courts. Salaries for youth and equipment needed by youth for work will not be funded from this program.

Youth Courts are strongly encouraged to work with the private sector in developing resources needed to employ youth. The SPA feels that private industry, insurance companies, and property owners associations will all benefit from this program and should be willing to invest in its success.

The SPA is working with the Governor's office in an attempt to reserve 75 youth employment positions for use by courts participating in this program.

Two or three grants will be awarded to Youth Courts to establish restitution programs. Grants will be awarded for a period of one year with the possibility of second year funding at a reduced ratio.

BUDGET:

	LEAA	State/ Local	Total	Percentage
Part C	$30,000	$3,400	$33,400	90/10

TITLE: MONTANA FORENSIC SCIENCE SYSTEM (H-12)

RELATIONSHIP TO PROBLEM ANALYSIS: The state of Montana does not now have the capability to perform the timely, efficient, and complicated analysis of physical evidence from the scene of a crime for investigation and court presentation.

The capability of the existing crime lab is limited. Criminalistics resources are fragmented and incomplete within the state.

There is a long turn-around time from out-of-state crime labs.

OBJECTIVES:

To develop a Montana Forensic Science System comprising two distinct, coordinated units: the Laboratory of Criminalistics and the Office of Forensic Pathology

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

Refer to the Montana Justice Project's Law Enforcement Report Standards 2.1, 2.2, 2.3, and 2.4.

IMPLEMENTATION:

It is anticipated that one subgrant will be made to the Montana Department of Justice for the planning phase in the development of Montana's Forensic Science System.

Funding in subsequent years will be dependent on the success of the planning process and the availability of funds as determined by the SPA.

BUDGET:

	LEAA	State/ Local	Total	Percentage
Part C	$25,000	$2,800	$27,800	90/10

TITLE: CRIMINAL JUSTICE INFORMATION SYSTEM (I-1)

RELATIONSHIP TO PROBLEM ANALYSIS: All criminal justice agencies will require substantially more information in the coming years. This information must be timely and in proper format to aid in decision making. It will be required for both operational and management purposes. Refer to discussion of information systems problems and needs in each substantive area in the Problem Analysis section of this Plan.

OBJECTIVE:

To expand the capability of the SPA to gather and analyze information concerning criminal activity in Montana and the functioning of all parts of the criminal justice system

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

Refer to the Montana Justice Project's Information Systems task force report.

The SPA has an objective of expanding its own capability to gather and use all information concerning crime and criminal activities and functional resources of the criminal justice system by 1981. Not only is this information analyzed and returned to the field but it also becomes the basis for setting SPA goals, objectives, and priorities and for planning future action strategy.

IMPLEMENTATION:

Funding will be requested to support continuing computer applications for expenses incurred in the design and development of new systems or applications, and for providing personnel support for new applications.

The SPA is moving away from system improvement and more toward crime-specific planning. In order for this to be successful, the criminal justice data center will need to look at target crimes in more detail than has been the case to date. In addition, new information bases must be programmed for rapid retrieval and flexible analysis of accumulated data. Technical assistance will be available as outlined in this Plan.

One grant to the SPA in the amount of $13,500 is anticipated.

BUDGET:

	LEAA	State/ Local	Total	Percentage
Part C	$13,500	$1,500	$15,000	90/10

TITLE: COMMUNICATIONS (I-2)

RELATIONSHIP TO PROBLEM ANALYSIS: Many law enforcement agencies do not have continuous contact with their sworn officers during the officers' tours of duty.

Some law enforcement agencies do not have adequate station to station communications equipment.

Some criminal justice agencies that require communication capabilities with their personnel do not have the necessary equipment. These problems and needs are discussed in the Problem Analysis (Police) section of this Plan.

OBJECTIVES:

To have immediate communications capability with each sworn officer while he/she is on duty

To continue the implementation of a statewide law enforcement communication system to the level previously established in the overall communication plan

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

Refer to the NACCJSG Police report, standards 23.1, 23.2, and 23.3.

The SPA has an objective to insure that all law enforcement personnel in the state have round-the-clock communication, via radio, by providing the necessary communications equipment by 1981.

IMPLEMENTATION:

Funding may be requested for radios and auxiliary equipment such as repeater hardware and computer relays installation, and technical assistance.

The SPA is funding the State Communications Division to provide user assistance in licensing, frequency coordination, engineering trouble shooting, and preparing specifications for bidding. The Communications Division provides direction and technical assistance in all areas of communications improvement.

Technical assistance will be available from the SPA as outlined in this Plan.

Any communications equipment purchased must meet the standards and prices as set by the state purchasing agency. The State Communications Division reviews each subgrant application to determine that the requested equipment meets the specifications established in the state communication plan. The Communications Division checks on frequency coordination and licensing prior to any subgrant award.

One or two subgrants will be made to the Department of Administration for technical assistance. Additional subgrants will be made to state and local government units for equipment and services within the state communications plan.

Funding will not cover the installation costs of mobile vehicle communications equipment.

BUDGET:

	LEAA	State/ Local	Total	Percentage
Part C	$60,000	$20,000	$80,000	75/25 90/10 (on repeaters)

TITLE: CRIMINAL JUSTICE INFORMATION SYSTEM SERVICES (I-4)

RELATIONSHIP TO PROBLEM ANALYSIS: An integrated network of criminal justice information systems must be implemented for collecting, processing, and disseminating data. Considerable use of the latest information system technology involving computers, telecommunications, and terminals will be required to operating a single, complete information network linking all criminal justice agencies. The network must be operational on a 24-hour, seven-day-a-week basis.

The criminal justice system network must correspond to the federal, state, and local levels of governmental jurisdiction, and to the informational needs of individual criminal justice components: police, courts, and corrections.

These problems are discussed in the Problem Analysis section of this Plan.

OBJECTIVES:

1. Increase the apprehension of criminals
2. Increase the safety of law enforcement officers
3. Increase the criminal justice system's ability to deter crime

4. Increase the rehabilitation of offenders

5. Improve the monitoring of persons on probation and parole

6. Improve the handling and protection of juveniles

7. Improve the safeguards of an individual's right to privacy

Each objective is discussed fully in the Montana Criminal Justice Information Systems Plan produced by the SPA.

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

Refer to the Montana Justice Project's Information Systems report, standards 1.1 through 1.8, and 2.1 through 2.12. This program is consistent with the SPA objective of developing and implementing an integrated network of criminal justice information systems among operating agencies by 1981.

IMPLEMENTATION:

The Montana Criminal Justice Information Systems Plan has been published and will be referred to for all information system subgrant requests.

Planning is required to insure quality systems are developed and compatibility is maintained with other systems for statewide coordination.

Any criminal justice agency contemplating the development of an information system should contact the SPA's Bureau of Research and Design for a pre-application conference concerning planning and funding requirements.

BUDGET:

	LEAA	State/ Local	Total	Percentage
Part C	$100,000	$12,000	$112,000	90/10

TITLE: JUVENILE PROBATION INFORMATION SYSTEM (I-5)

RELATIONSHIP TO PROBLEM ANALYSIS: Montana's juvenile court system is composed of 18 separate judicial districts, each of which has its own juvenile probation department. Records and information about the activities of these departments are virtually non-existent. Each department has some type of recordkeeping system but these vary tremendously in levels of sophistication. The SPA has maintained a central record-keeping system for several years, but information is based on referrals rather than on actual youth served.

There is need for an information system that will provide management information to the courts that is timely and meaningful. This information should also have the potential of being aggregated at the state level for purposes of statewide planning.

These problems are further discussed in the juvenile justice portion of the Problem Analysis section. Refer also to the multi-year budget.

OBJECTIVE:

The objective of this program is to provide juvenile probation officers throughout the state with a computerized information system geared especially to their needs. The system will be designed to provide each probation officer specific summary reports that will make him better able to manage his day-to-day activities. In addition, the system will supply the SPA with a wealth of new information relating to juvenile activity in the criminal justice system.

Juvenile probation officers have been heavily involved in the design of this program and maintain a users committee to provide constant guidance.

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

This program is aimed at the SPA objective of providing all juvenile probation officers with a computerized information system designed to meet the unique information needs of the juvenile justice system by 1978.

IMPLEMENTATION:

Funding will be requested to support the system as developed. This includes computer support, clerical support, printing of forms, postage, travel and per diem for the users committee, and training. Some funds will also be used to provide enhancements for the system, and provide technical assistance in the use of data.

BUDGET:

	LEAA	State/ Local	Total	Percentage
Part C	$7,500	$900	$8,400	90/10

TITLE: UNIFORM RECORDKEEPING MANUALS AND PROCEDURES MANUALS (I-11)

RELATIONSHIP TO PROBLEM ANALYSIS: As noted in the introductory problem analysis for the multi-year forecast for courts, prosecution, and defense, access to more than a basic minimum of legal materials is a problem occurring across the state. Access to better materials and more recent developments through the Supreme Court library is an initial step toward improving the quality of both prosecution and defense.

OBJECTIVES:

One objective of this program is to provide easy access and retrieval of legal material by the development and implementation of a microfiche card catalog in the Supreme Court library.

Another objective through the development of this system would be the availability of this material to each county library through locally placed microfiche readers.

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS:

This program represents an effort to increase access to legal materials, upgrade facilities, and improve the quality of prosecution and defense as outlined in goals, objectives, and standards in the multi-year section of this Plan.

IMPLEMENTATION:

It is anticipated that a cataloging system using microfiche methods and containing all materials in the Supreme Court library will be established in that library through the Supreme Court librarian. All material will be easily accessible through microfiche readers and for a small cost the cataloging system can be made available to all county libraries.

One grant will be made available to the Supreme Court or the Supreme Court Administrator for the purpose of establishing this program.

BUDGET:

	LEAA	State/ Local	Total	Percentage
Part C	$15,000	$1,700	$16,700	90/10

SUPPLEMENT

1978

PART "E" CORRECTIONS

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
U.S. DEPARTMENT OF JUSTICE
WASHINGTON, D.C. 20530

APPLICATION FOR ACTION GRANT

Application Is Hereby Made For A Grant In The Amount Of $115,000 Under Title I, Part E of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351, 82 Stat. 197), As Amended by P.L. 91-644, 84 Stat. 1880).

BY

MONTANA

Planning Agency Administrator (Name, title, address, and telephone number)

Michael A. Lavin
Administrator
1336 Helena Avenue
Helena, Montana 59601
Phone: (406) 449-3604

Financial Officer: (Name title, address and telephone number)

Mrs. Margaret Crutcher
Finance Officer
1336 Helena Avenue
Helena, Montana 59601
Phone: (406) 449-3604

1. This application is supported by:

   The attached supplement to Comprehensive Plan dated July, 1977.

2. The undersigned represents, on behalf of the applicant agency that:

   a. Any grant awarded pursuant to this application shall be subject to and will be administered in conformity with the General Conditions Applicable to Administration of Grants under Part C and Part E, Title I of P.L. 90-351, as amended, as set forth in Appendix 4-3.

b. Funds awarded will be used only for the programs described in the Section entitled "Annual Action Programs" as set forth in the approved Comprehensive Law Enforcement Plan or in any amendment thereto duly filed with and approved by the Law Enforcement Assistance Administration.

c. Not more than one-third of the gross amount of this grant will be expended for compensation of police and other regular law enforcement personnel, exclusive of compensation for time engaged in conducting continuing training programs, or compensation for personnel engaged in research, development, demonstration of other short-term programs.

d. Any grant funds so expended for compensation of personnel subject to the one-third limitation will be matched by state or local expenditures for increased personnel compensation of equal amount.

3. The State Planning Agency hereby assures that it will comply with and will insure compliance by its subgrantees and contractors with Title VI of the Civil Rights Act of 1964 and all requirements imposed by or pursuant to regulations of the Department of Justice (28 C.F.R. Part 42) issued pursuant to that title, to the end that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance from the Department of Justice. The State Planning Agency further will comply with and insure compliance by its subgrantees and contractors with Justice Department equal employment regulations in federally assisted programs (28 C.F.R. Part 42, Sub-part D) to the end that employment discrimination in such programs on the grounds of race, color, creed, sex, or national origin, shall be eliminated. The State Planning Agency recognizes the right of the United States to seek judicial enforcement of the foregoing convenants against discrimination, and will include a similar covenant assuring the right of the United States to seek judicial enforcement in its subgrants or contracts.

4. This application (submitted in 12 copies) consists of the following in addition to this form:

   1) Statements of Goals, Objectives, and Standards; Multi-Year Forecast and Budget

   2) Description of Action Programs

   3) Part E Special Requirements

Signature: [signature]

Date: July 31, 1977

PART E - GOALS

Replication in Montana's high crime areas of programs in pre-trial release, diversion, or informal settlements that have had proven success in other localities

Statewide availability of social service referral services and their appropriate utilization by courts

PART E - OBJECTIVES

For state and local governments:

To make appropriate referral services available to Montana courts by 1979 (state government)

To institute or continue programs in 1977-78 that utilize referral services for prosecutorial diversion in three localities (local government)

For action programs:

To demonstrate, by 1979, in one high crime area, the feasibility of replication of citizen dispute settlement programs or other exemplary diversionary projects as useful and cost-effective techniques in Montana

To demonstrate, by 1979, by development of a coordinated program affiliated with one district court in a high crime area the efficacy of utilizing currently available community referral services for pre-sentence evaluations and/or as conditions of probation in sentences in which the imposition is deferred

PART E - STANDARDS

Refer to the Montana Justice Project's Courts report, standards 2.1 and 2.2, the Corrections report standards 3.1 through 3.3, and in conflict with these two reports, the Law Enforcement report standard 9-B; the Community Crime Prevention report standard 2.4, and standards incorporated in annual plans of the Department of Institutions for mental health, alcohol abuse, and drug abuse.

Limitations on ability to achieve: feasibility of implementation, high cost, need for technical assistance, lack of knowledge of availability of current services, limited availability of referral services.

PART E - MULTI-YEAR FORECAST

1. Methods of acquiring data on state and local programs:

Data on state programs offering referral services may be acquired from the Department of Institutions and the Department of Social and Rehabilitative Services. Data on local programs utilizing referral services for court-related functions is partly available from the state agencies mentioned above and partly from individual courts (especially youth courts).

2. State and local allocations of other resources:

Refer to general problem analysis on courts, prosecution, and defense in the comprehensive plan.

3. Results expected and their relationship to goals:

Referral services, especially juvenile services, will be more widely distributed by 1979. Courts will become more aware of the availability of such services and will refer offenders more often to community agencies or organizations. More specific results will accrue from the action programs described below. A beginning will be made toward achievement of the goals. Formal diversion and court referral standards and techniques will be developed in at least two additional high crime areas by 1978 and will be demonstrably adaptable to the remaining eight high crime areas by 1979 thus partly achieving the first goal. Cooperation developed between the judicial branch and state social service agencies should aid in approaching the second goal by 1979.

4. Relationship to block grants:

The action grants are designed to be responsive to courts' and prosecutors' expressed need for available and appropriate referral services, both in the framework of diversionary programs and in the context of sentencing decisions.

PART E - MULTI-YEAR BUDGET (1978)

Program	LEAA	State or Local	Total	Percentage
P-25	$35,000	$4,000	$39,000	90/10
P-30	$37,500	$4,200	$41,700	90/10
P-31	$42,500	$4,800	$47,300	90/10
TOTAL	$115,000	$13,000	$128,000	

TITLE: ALCOHOL AND DRUG ABUSE TREATMENT (P-25)

RELATIONSHIP TO PROBLEM ANALYSIS: The Federal Drug Abuse Office and Treatment Act of 1972 directed the development and promulgation of a comprehensive, coordinated, long-term strategy for all drug abuse prevention and drug traffic functions conducted, sponsored, or supported by the federal government. Refer to "Alcoholism in Montana," "Drug Abuse in Montana," and "Indian Criminal Justice Systems."

A law arose out of the 1974 Legislature that recognized alcoholism as an illness and provided that proper treatment programs for alcoholism be established, maintained, and encouraged. Throughout Montana's communities the police and courts experience a recurrence of problem drinkers and/or drug abusers processed through the criminal justice system.

Alcohol and drug abuse are associated with offenses in at least half of the current population at Montana State Prison, according to staff estimates. Virtually the entire younger population (80-90%) has abused alcohol or drugs at some point. For a lesser proportion of the population, drug or alcohol abuse was the precipitating factor in their present incarceration.

OBJECTIVE:

To treat alcohol and/or drug abusers in the community or in security settings through detoxification and comprehensive rehabilitation services

To provide a workable method for returning those treated to society to live normal, productive lives

To increase the employment rate among those treated through counseling and job placement

To reduce the incidence of alcohol/drug-related crimes by reducing the number of those affected committing such crimes, thus reducing the number of repeat offenders processed through the criminal justice system

IMPLEMENTATION:

Funding under this program will be available for alcoholism and other drug abuse treatment in the community or in security settings. Technical assistance will be furnished in accordance with the TA description in this Plan.

All subgrants under this category will be awarded to the Department of Institutions.

BUDGET:

	LEAA	State/ Local	Total	Percentage
Part E	$35,000	$4,000	$39,000	90/10

TITLE: DEFERRED PROSECUTION (P-30)

RELATIONSHIP TO PROBLEM ANALYSIS: The problem analysis preceding the multi-year forecast for courts, prosecution, and defense points out that there is a high probability that most Montana prosecutors utilize informal diversion of adult offenders. This program seeks to demonstrate the feasibility and desirability of formalizing certain kinds of deferred prosecution programs.

OBJECTIVE:

The purpose of this program is to replicate (with necessary or desirable local modifications), in one of Montana's high crime areas, a program of deferred prosecution that has had proven success in other localities.

RELATIONSHIP TO GOALS, STANDARDS, AND OBJECTIVES:

This program would implement, on a small scale, goals, standards, and objectives described in the multi-year forecast of this Plan.

IMPLEMENTATION:

One or two replicable deferred prosecution projects could be initiated in a Montana high crime area. One such successful program is already underway in the state. Other projects include, but are not limited to, those designated as exemplary projects by the National Institute for Law Enforcement and Criminal Justice. It is anticipated that such a project would provide for diversion of selected adult offenders by a program of pre-trial release, deferred prosecution, or pre-trial administrative disposition according to standard criteria for screening, disposition, and evaluation, and utilizing volunteers, law students, or paraprofessionals. A three-year funding program is envisioned.

Technical assistance would be provided for initiation and evaluation of the project by consultants with experience in the replicable project to be funded and in accordance with the description of technical assistance in this Plan.

This program contemplates one or two subgrants to the office of a prosecutor or unit of local government in a Montana high crime area.

BUDGET:

	LEAA	State/ Local	Total	Percentage
Part E	$37,500	$4,200	$41,700	90/10

TITLE: JUVENILE DETENTION RENOVATION (P-31)

RELATIONSHIP TO PROBLEM ANALYSIS: According to a 1973-74 survey and a mini-survey in 1976, 66% of Montana's county jails are rated fair to poor by sanitation, safety, and security standards. At least 10 jails do not have adequate separation for adults and juveniles. The juvenile detention and shelter care plan developed by the SPA also focused on the unsuitable conditions of Montana's jails.

OBJECTIVE: To help county jails renovate existing facilities to provide secure custody for juveniles

RELATIONSHIP TO GOALS, OBJECTIVES, AND STANDARDS: This program is directed toward the SPA objective of modernizing local jails and is relevant to discussion of corrections/ facilities in the Problem Analysis section of this Plan. It is also related to the goal of separating adult and juvenile offenders in local jails.

IMPLEMENTATION:

Requests from county governments will be considered if they can show that the improvements will provide total separation of adult and juvenile offenders and eliminate detention of status offenders. Applicants will be required to use the technical services of the National Clearinghouse for Criminal Justice Planning and Architecture. Documentation of the jurisdiction's intake policies, as well as detailed rationale for the number of beds, will accompany funding requests. It is anticipated that one grant will be made to a county government. Competition for this money will be statewide, and decisions will be based on the overall plan the agency has for intake and detention of juveniles.

BUDGET:

	LEAA	State/ Local	Total	Percentage
Part E	$42,500	$4,800	$47,300	90/10

PART E SPECIAL REQUIREMENTS

1. SUMMARY PAGE REFERENCE: A PAGE REFERENCE TO THE LOCATION OF ALL TEXT AND DATA PERTINENT TO THE PART E COMPREHENSIVE STATEWIDE PROGRAM FOR CONSTRUCTION, ACQUISITION, OR RENOVATION OF CORRECTIONAL INSTITUTIONS AND FACILITIES AND THE IMPROVEMENT OF CORRECTIONAL PROGRAMS AND PRACTICES THROUGHOUT THE STATE

   Page references are to the 1978 Montana Comprehensive Plan for Criminal Justice Improvement.

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2. PROVIDE SATISFACTORY ASSURANCES THAT THE AVAILABILITY OF FUNDS UNDER PART E SHALL NOT REDUCE THE AMOUNT OF FUNDS UNDER PART C WHICH A STATE WOULD, IN THE ABSENCE OF PART E, ALLOCATE FOR THE PURPOSES OF CORRECTION.

   a. The State has retained the aggregate Part C investment in correctional program patterns reflected in the multi-year projections of prior comprehensive plans; and

   b. The Part C commitment to corrections reflects at least a continuance of prior years planned and funded emphasis.

3. PROVIDE SATISFACTORY ASSURANCES THAT THE CONTROL OF THE FUNDS AND TITLE TO PROPERTY DERIVED THEREFROM SHALL BE IN A PUBLIC AGENCY FOR THE USES AND PURPOSES PROVIDED IN PART E AND THAT A PUBLIC AGENCY WILL ADMINISTER THOSE FUNDS AND THAT PROPERTY.

This assurance is incorporated in this grant application and automatically provided with SPA execution of this application.

4. CERTIFY THAT PART E PROGRAMMING WILL UTILIZE ADVANCED TECHNIQUES IN THE DESIGN OF INSTITUTIONS AND FACILITIES.

It is hereby certified that Montana will utilize advanced techniques in the design of institutions and facilities. Montana will probably not become involved in the following but if so, and if Part E funds are used, it will only be with LEAA approval:

   a. Construction of an adult facility having an operating capacity in the aggregate of more than 400 persons or a total site preparation, construction, and outfitting cost of more than $8 million.

   b. Construction of a juvenile facility having an operating capacity in the aggregate of more than 150 persons or a total site preparation, construction, and outfitting costs of more than $4 million.

5. THE STATE PLAN MUST SPECIFY WITH RESPECT TO CONSTRUCTION OR RENOVATION OF CORRECTIONAL INSTITUTIONS OR FACILITIES, THAT IN THE PLANNING AND DEVELOPMENT OF ARCHITECTURAL DESIGN OR CONSTRUCTION DRAWINGS THE GRANTEE OR SUB-GRANTEE WILL:

(1) CONSULT WITH AND PROVIDE RELEVANT DOCUMENTS TO THE NATIONAL CLEARINGHOUSE FOR CRIMINAL JUSTICE PLANNING AND ARCHITECTURE AT THE UNIVERSITY OF ILLINOIS.

(2) OBTAIN A CERTIFICATION OF COMPLIANCE WITH NATIONAL STANDARDS.

(3) VERIFY THAT NO FUNDS WILL BE EXPENDED UNTIL SUCH CERTIFICATION IS OBTAINED.

The Montana SPA shall continue to comply with the above conditions. The SPA shall coordinate the consultation with and providing of relevant documents to the National Clearinghouse for Criminal Justice Planning and Architecture, and fulfill other requirements as necessary.

6. CERTIFY THAT WHERE FEASIBLE AND DESIRABLE PROVISIONS WILL BE MADE FOR THE SHARING OF CORRECTIONAL INSTITUTIONS AND FACILITIES ON A REGIONAL BASIS.

a. It is hereby certified that where feasible and desirable, provisions will be made for the sharing of correctional institutions and facilities on a regional basis.

b. Wherever a correctional institution or facility is proposed for a single urban center and there are adjacent suburban areas with insufficient offenders to warrant a separate facility and for which there is no provision in this plan for access to comparable facilities, it shall be presumed that regional sharing is feasible and desirable.

c. It is recommended that any federal funds being used for upgrading detention facilities be given on a priority basis to those considering consolidation. See 1978 Consolidation Action Program, G-1.

7. THE STATE PLAN MUST REFLECT THAT WITH RESPECT TO CORRECTIONAL INSTITUTIONS OR FACILITIES, OR PORTIONS THEREOF, PART E GRANT FUNDS WILL NOT BE USED FOR ROUTINE REPAIR, MAINTENANCE, OR UPKEEP PURPOSES AND FURTHER, WITH RESPECT TO CONSTRUCTION, ACQUISITION AND RENOVATION, MAY BE USED ONLY FOR SUCH INSTITUTIONS AND FACILITIES OR PORTIONS THEREOF, WHICH SUBSTANTIALLY PROVIDE OR CONTRIBUTE TO PROVIDING CONFINEMENT OR REHABILITATION FOR THOSE CHARGED WITH OR CONVICTED OF VIOLATION OF THE LAW.

It is hereby certified that Part E grant funds will not be used for routine repair, maintenance or upkeep purposes. Funds for contruction, acquisition and renovation shall be used only for institutions and facilities which substantially provide or contribute to providing confinement or rehabilitation for those charged with or convicted of violation of the law.

8. PROVIDE SATISFACTORY ASSURANCES THAT THE STATE IS ENGAGING IN PROJECTS AND PROGRAMS TO IMPROVE THE RECRUITING, ORGANIZATION, TRAINING, AND EDUCATION OF PERSONNEL EMPLOYED IN CORRECTIONAL ACTIVITIES, INCLUDING THOSE OF PROBATION, PAROLE AND REHABILITATION.

Please refer to specification No. 9 below. It is hoped the programs initiated within Part C for training and manpower will insure at least 80 hours of recruit training and at least 20 hours of in-service training per year for all correctional personnel.

9. PROVIDE THE STATE'S PERSONNEL STANDARDS AND PROGRAMS FOR CORRECTIONAL PERSONNEL WHICH REFLECT ADVANCED PRACTICES. IF THESE STANDARDS AND PROGRAMS REFLECTING ADVANCED PRACTICES DO NOT CURRENTLY EXIST, EXPLAIN WHAT STEPS THE STATE IS TAKING TO ESTABLISH ADVANCED PERSONNEL STANDARDS AND PROGRAMS. WHEN WILL THESE STANDARDS AND PROGRAMS BE COMPLETED?

Montana is maintaining in the aggregate both the Part C and Part E investment in advanced practices relating to personnel standards and programs reflected in the prior comprehensive plans. The SPA will condition subgrants in accordance with such standards and programs.

Refer to Part C Programs:

PROGRAM:	PAGE
B-5 Division of Corrections Training	342
B-23 Juvenile Justice Training	344

10. SHOW HOW THE PART E PROGRAMMING PROVIDES SATISFACTORY EMPHASIS ON THE DEVELOPMENT AND OPERATION OF NARCOTIC AND ALCOHOLISM TREATMENT PROGRAMS IN CORRECTIONAL INSTITUTIONS AND FACILITIES AND IN CONNECTION WITH THE PROBATION OR OTHER SUPERVISORY RELEASE PROGRAMS FOR ALL PERSONS INCARCERATED OR ON PAROLE WHO ARE DRUG ADDICTS, DRUG ABUSERS, ALCOHOLICS, OR ALCOHOL ABUSERS.

See Part E Program Narrative for Target Group. Also, see Plan sections on related plans, programs, and systems, alcohol abuse in Montana, drug abuse in Montana, and Part E program P-25 (Alcohol and Drug Abuse Treatment).

11. SHOW HOW THE STATE PLANS TO PROVIDE FOR ACCURATE AND COMPLETE MONITORING OF THE PROGRESS AND IMPROVEMENT OF THE CORRECTIONS SYSTEMS. THE MONITORING MUST INCLUDE THE RATE OF PRISONER REHABILITATION AND RATES OF RECIDIVISM IN COMPARISON WITH PREVIOUS PERFORMANCE OF THE STATE OR LOCAL CORRECTIONAL SYSTEMS AND CURRENT PERFORMANCE OF OTHER STATE AND LOCAL PRISON SYSTEMS NOT INCLUDED IN THIS PROGRAM.

a. Refer to "Provision for Evaluation."

b. Part C programs will also be directed to this effort:

Program	Page
Project Evaluation (G-7)	350
CJS Information System	357
Offender Based Statistical Information System (OBSCIS) (Discretionary Grant)	

12. CERTIFY AS A CONDITION FOR RECEIPT OF PART E FUNDS FOR THE PLANNING, CONSTRUCTION, ACQUISITION, OR RENOVATION OF ADULT OR JUVENILE CORRECTIONAL INSTITUTIONS OR FACILITIES, THAT THE SPA WILL REQUIRE THAT ALL APPLICANTS FOR SUCH FUNDS DEMONSTRATE ADHERENCE TO THE FOLLOWING PROGRAM ELEMENTS (TO THE EXTENT APPLICABLE TO THE PARTICULAR PROJECT PRESENTED AND AREA OR REGION TO BE SERVED BY THE PROPOSED FACILITY).

All applicants for Part E funds shall adhere to the following program elements (to the extent applicable to the particular project presented and area or region to be served by the proposed facility):

a. Responsible use of alternatives to incarceration, including but not limited to referral and bail practices, diversionary procedures, court sentencing practices, comprehensive probation resources, and the minimization of incarceration by state and local parole practices, work-study release or other programs assuring timely release of prisoners under adequate supervision. (Applications should indicate the areas to be served, comparative rates of dispositions for fines, suspended sentences, probation, institutional sentences and other alternatives, and rates of parole.)

b. Special provision for the treatment, particularly in community-based programs, of alcohol and drug abusers.

c. Architectural provision for the complete separation of juvenile, adult female, and adult male offenders.

d. Specific study for the feasibility of sharing facilities on a regional (multi-state or multi-county or regional within states, as appropriate) basis

e. Architectural design of new facilities providing for appropriate correctional treatment programs, particularly those involving other community resources and agencies

f. Willingness to accept in the facilities persons charged with or convicted of offenses against the United States, subject to negotiated contract agreements with the Bureau of Prisons

13. CERTIFY THAT SPECIAL ADMINISTRATIVE REQUIREMENTS DEALING WITH OBJECTIVES, ARCHITECTURAL AND COST DATA, CONTRACTUAL ARRANGEMENTS, ETC., WILL BE MADE APPLICABLE TO SUB-GRANTEES AND CONTRACTORS.

It is hereby certified that:

a. Applications for construction funds, in addition to meeting the requirements of paragraphs (a) through (f) above, shall be accompanied by a statement of objectives of the proposed facilities, architectural programs, schematics, outline specifications, and cost estimates.

b. Applications for construction funds shall include certification of the manner and means through which needed contractual services (site preparation, utility installation, building construction, purchases of equipment and fixtures, etc.) will be obtained in accordance with the applicable provisions of appropriate State and/or local law, rules or regulations. This must normally include some system of competitive bid solicitation. The use of separate contracts for construction and equipment is encouraged.

c. Grants or subgrants of Part E funds for facilities construction or renovation, regardless of size, shall require that architectural and other needed professional services shall be obtained upon the basis and consideration of professional competence to deliver the required services. Contractual fee obligations for such services shall be in accordance with the prevailing suggested fee schedules of recognized professional organizations, such as the American Institute of Architects.

d. The foregoing requirements shall be incorporated as part of the standard fiscal conditions for award of Part E grants, applicable to State Planning Agencies and their subgrantees and contractors.

COMPLIANCE WITH FUNDING LIMITATIONS

Funds Available to Local Units:

A. L.E.A.A./Census Bureau Data:

State Law Enforcement Expenditures - 38.1%
Local Law Enforcement Expenditures - 61.9%

B. SPA Allocation:

Part C Block	$ 950,000
State Availability	328,000
Local Availability	622,000
Part E	115,000

C. Construction Costs:

Part C Total	50,000
Jail Improvement	50,000

D. Personnel Compensation:

a. Estimated total personnel compensation in all Part C programs - 352,000

b. Estimated total personnel compensation in all Part C programs for police or other regular law enforcement personnel - 352,000

c. Estimated total increase in personnel of implementing agencies - 0

d. Estimated expenditures from federal share for the increased personnel compensation in (c) above - 0

WAIVER BY LOCAL UNITS

A percentage of the federal planning grant to a state must be made available to units of general local government, or combinations thereof, to enable such units to participate in the formulation of a comprehensive statewide crime control plan.

There are two major methods of doing this:

1. A state staff of advisors to be made available to the regions for planning, research and regional program development.

2. Subgranting planning funds to each Regional Advisory Council. In this case each Region receives a subgrant based upon the population within the region upon application to the SPA.

The duly appointed members of the Regional Advisory Councils, having been fully apprised of the alternatives and dollars available, have the option to waive the right to direct receipt of planning funds or acknowledge that a state staff is the most appropriate means of criminal justice planning in the state of Montana. All five planning regions in Montana have opted to use the first method by signing a formal waiver.

This waiver remains in effect until withdrawn by either the State Planning Agency or the Regional Advisory Council by a 90-day written notice to the contrary. The 90-day period runs annually from the point when the State Planning Agency provides the Regional Council with notice of availability of planning funds.

CONSTRUCTION COSTS

IDENTIFICATION OF CONSTRUCTION FUNDS

The amount projected for Part C, Part E, and J.J.D.P. federal funds that will be used for construction under all programs, and the local contribution, is shown below. Major construction is not anticipated. Minor remodeling or repairs or the modification of existing space and utilities within an existing structure will constitute all of the anticipated construction for local facilities.

	Federal Funds	Local Share
Part C	50,000	5,000
J.J.D.P.	50,000	5,000

PART IV - PERFORMANCE MEASUREMENT

Provision for Evaluation

The SPA has provided for the need to evaluate by incorporating evaluation into its planning process. An evaluation strategy has been designed to determine the impact of achieving the predetermined objectives and accomplishments of programs and projects operating with LEAA funds.

Evaluation and Planning

Evaluation is basically an assessment of the accountability of program and project activity. It is essential for SPA decision making. Evaluation is a continuing process that takes place before, during, and after the life of a project. It has been a major goal of the SPA to use evaluation as an integral part of planning. Major steps toward this goal have been accomplished.

Planner/evaluators have revised and simplified the subgrant application and the accompanying instruction booklets that are used by all subgrantees. Evaluation priorities and criteria have been established by planner/evaluators. Evaluation is no longer performed after the fact of subgranting. The planner/evaluators provide technical assistance to the subgrantee in the program narrative area by helping to develop achievable objectives and helping to find the methods to reach those objectives.

All subgrants predetermined to meet SPA evaluation criteria will be required to contain clear, quantifiable statements of their expected results and all major applications must be accompanied by pertinent support data. This will help applicants define what they want to accomplish and will help generate quality subgrant applications.

Program areas for 1978 were discussed in detail at planning sessions to determine priorities. After all pertinent information was compiled, an evaluation strategy was developed, identifying priorities for evaluation for all major 1978 program areas. In the discussions, the projects were selected for evaluation according to the following considerations and planning needs although not necessarily in this order:

1. chance of replication;
2. controversial nature of project;
3. political implications;
4. budget allocation;
5. planning priorities;
6. high and low crime areas;
7. geographic and demographic features;

8. continuation projects;
9. use of evaluation results by SPA and local agencies;
10. review of prior projects;
11. evaluation capability and time; and,
12. planner expectations.

Evaluation Strategy

The planning and evaluation cooperation has led to the development of an evaluation schedule which identifies priorities and the type of evaluation to be conducted with each program area. Evaluation will be initiated on approximately 30 percent of total funds awarded to applicants during the 1978 calendar year. Approximately $500,000 of funded projects will receive some level of evaluation. In addition, Part E funds will receive contract evaluation. Evaluation will be initiated on at least 20 projects within the 1978 calendar year.

Levels of SPA Evaluations

Level 1:

The SPA planner/evaluator will review reports submitted by the subgrantees. The results will be analyzed in terms of outcome, noted changes, and unexpected results. Based on this analysis, where no stringent measurement criteria were required, the planner/evaluator will prepare reports.

Subgrantees will be required to conduct an internal assessment of their own project results in accordance with the program narrative requirements described in the SPA booklet "Instruction for Grant Application". In addition, the SPA staff will provide reports, analyzing contract evaluations that are performed.

Level 2:

Projects determined to be intensively monitored by SPA staff are required to receive pre- and post- application conferences so that indicators and measures for internal assessment and methodology for data collection can be determined as outlined in the subgrant application instruction booklet. SPA staff will report performance/process results in terms of meeting objectives, as well as other results of the project.

Level 3:

Projects selected to be intensively evaluated are required to receive pre- and post- application conferences. An evaluation methodology to measure change is designed to include the following where needed: comparison methods, before and after measures, time series measures, cost benefit and effectiveness, control groups, random variations, and experimental designs. Measures for data collection are outlined and a methodology for analysis is designed. Detailed monitoring will be necessary and SPA staff will measure and report product results or impact and cost benefit analyses in detail where applicable.

Contract Evaluation

Prior to contracting for an evaluation, the SPA staff will provide assistance in formulating RFPs (requests for proposal) and reviewing experimental designs submitted. The SPA staff will oversee contract performance and review results.

Number of
Evaluation Projects to Indicate Anticipated
Workload as Requested by Planning Input

Level 1	Level 2	Level 3	TOTAL EVALUATIONS
7	8	5	20 projects

Evaluation Staff and Training

The SPA has a staff of seven planner/evaluators who will devote a considerable portion of their time to evaluation. The evaluation process is now one of the functions of the Bureau of Planning. The Bureau Chief will devote approximately 15 percent of his time to the administration of program/project evaluations.

The evaluators have compiled an evaluation resource library, which contains a variety of materials including completed projects, major textbooks, and new theories and methodologies. This information and their experience will enhance the planning/evaluation efforts. Technical assistance in statistical methods has been used and is available from a variety of new sources.

Monitors

Four field representatives will devote approximately 25 percent of their time to monitoring programs and projects within the five regions. The planner/evaluators within the Planning Bureau will also devote a portion of their time to the monitoring/evaluation process.

The SPA monitors the implementation, operation, and results of the projects it supports. This monitoring effort is primarily completed by the four field representatives and is accomplished by on-site project review and reporting on that review by completion of the appropriate monitoring forms MO-1 through MO-6.

Form MO-1 is designed for general projects, MO-2 for education and training, MO-3 for manpower, MO-4 for construction, MO-5 for confidential expenditures, and MO-6 for equipment.

All grants awarded by the SPA are monitored in the field. The monitoring takes place every six months on long-term grants and at the project date of termination on all others. A final monitoring takes place when the project is completed. The types of data collected through the monitoring process are portrayed on the monitoring forms. Monitoring information is utilized each month. Once each month, the field staff meets with other SPA personnel and uses project monitoring information to assist in the decision-making process. Monitoring information is also used throughout each month as monitoring reports are received at headquarters.

Program/Project Planning

The planner/evaluators of the SPA are responsible for developing and implementing policies and procedures to ensure the comprehensive evaluation of criminal justice activities supported by the Board of Crime Control.

Evaluation can be successfully accomplished only through cooperation of the local units of government applying for federal funds. To assist the local units in preparation of quality subgrants, the SPA has prepared an instruction booklet to be used as a guideline by local agencies. Evaluation is basically good planning and must be considered as a first step in the grant application process.

The following requirements are excerpted from the grant application instructions booklet designed by the SPA for applicants' use in preparing the narrative portion of subgrant applications. Proper attention to these eight steps should provide a realistic plan of action capable of being evaluated.

The eight steps are:

1. DEFINE THE PROBLEM - Identify and explain the specific problem(s) of your department.

2. EXPLAIN THE NEED - Needs are those things necessary to solve or lessen the problem, such as: equipment, manpower or other available services.

3. SUPPORT DATA - Accurate information is necessary to support the problem. Pertinent data, such as: caseload, number on staff, workloads, area population, area coverage and special situations.

4. OBJECTIVES - An objective is a specific statement of a measurable end result to be achieved within a stated period of time. It must be obtainable, realistic and directly related to your problem and needs, such as: what you plan to do, by when (date), and cost to reach objective.

5. IMPLEMENTATION & OPERATION - Implementation and operation is a course of action of planned activities to reach your objective. Outline your activities in your subgrant narrative.

6. EVALUATION - To effectively assess the results of your project, you should determine: (1) What data will be collected; (2) How data will be recorded; (3) Who will keep records; (4) time schedule for compiling data; and, (5) How data will be analyzed.

7. INTERNAL ASSESSMENT - A self-assessment of your project results is required. This assessment should include:

   (1) An analysis of the results and impact of the project;
   (2) A comparison of the problem before and after the project;
   (3) A description of the implementation and operation of the project over time; and,
   (4) Modifications of program activities called for by the evaluation findings.

8. REPORTING - Determine and outline a narrative reporting schedule for your project. (1) Short duration projects (one-time expenditures) will submit a final narrative report only; and, (2) Long duration subgrants will report quarterly unless otherwise determined in a pre-application conference. The first quarterly report will be due 30 days after the close of the first FULL quarter. A final report will be submitted within 30 days of project completion.

Program/Project Implementation

While the responsibility of program/project implementation rests primarily with the subgrantee, the four regional representatives in the five regions will periodically check to see that the projects have been successfully implemented according to the grant provisions and ensure that the required reports are submitted to the SPA.

Projects outlined for evaluation will receive technical assistance from SPA planner/evaluators to assist in the implementation of projects.

Pre-Application Conference

A pre-application conference will be required on applications where evaluation is required prior to submission of a formal application, on all projects to be evaluated by SPA staff.

A pre-application conference is intended to provide local projects with technical assistance in writing a grant, as well as to determine measures and methods so that project results can be evaluated.

Post-Application Conference

A post-application conference will be required within 30 days of project start-up. This will only be necessary for projects scheduled to receive level 2 or 3 evaluation.

A post-application conference provides the applicant with a review of the project's intent, requirements, and responsibilities.

Effect of Future Planning

A successful evaluation will provide the answers to two levels of questions basic to the life of the project and future planning. The first level of questions deals with the operation of the project itself.

1. Has the project been successfully implemented, and is it progressing satisfactorily?

2. Are the objectives that were originally designed for the project being met?

3. Have unforeseen problems appeared to hinder progress or have circumstances changed the nature and operation of the project?

4. What impact did the project have on the criminal justice system either directly through the achievement of objectives or indirectly through unexpected results or side effects?

When all the above questions have been answered, the future operation of the project can be successfully determined by the SPA through a second level of questions that will be asked.

1. Should continued funding for the project be considerd and should future funding for similar projects be considered?

2. Should funding be terminated immediately or should the project be allowed to continue to the grant expiration date?

3. Should the project be modified?

4. Does the project have sufficient merit or value to be transferred to another geographical area or should the scope of the present operation of the project be expanded to obtain optimum effectiveness?

5. Has the project contributed to the SPA planning goals and objectives?

The following projects will receive intensive evaluations during the coming year:

Project Name	Total Budget	Evaluation Cost
Crime Attack Team (CAT) Missoula	$216,354	$3,000 (3rd year)
Juvenile Restitution	$ 30,000	$3,000 (1st year)
Missoula Community Corrections Facility	$ 78,000	$2,000 (1st year)

PROGRAMS

MANPOWER

1) Funding Level: $407,549.32*

2) Goal: To provide assistance to criminal justice agencies by increasing manpower, to thereby maximize efficiency and service, and to increase the level of criminal justice professionalism throughout the state

3) The program increased manpower and personnel flexibility by providing initial or continued salary support for 13 LEEP graduates in law enforcement agencies around the state.

Salary support was provided for 12 officers to replace regular officers while attending basic training at the Montana Law Enforcement Academy.

The manpower level of juvenile probation officers has been raised by 82% with the establishment of 21 new positions since the inception of this program. Caseloads have been reduced and probation administrators have been able to spend more time developing community resources.

A court administrator position was funded primarily by an SPA action grant. This is a significant step toward improving the resources and capabilities of the judicial branch for planning and implementation.

Funding was approved for continuation of a psychologist's salary in the State Prison to provide clinical services to the incarcerated. A diagnostic and evaluation component was initiated in the state prison. The assistance provided for a psychiatrist, psychiatric social worker, and secretary, their goal being to establish a presentence evaluation for recommendations on alternative district court sentencing.

The services of these professionals are useful in assessing and dealing with emotional and psychological needs of the inmates and in helping inmates achieve better self-understanding and more appropriate social behavior. It is anticipated that its efforts will result in significant benefit to inmates as far as rehabilitation is concerned. Staffing for four pre-dispositional shelter care facilities (attention homes) was provided through this program.

*Includes FY1976 and FY1977 funds

Two of the six 1977 manpower projects have been continued to 1978 (A-2 & A-3). These projects were continued at the same ratios of federal, state, and local support as in the previous year. In terms of dollars, see the following comparison:

Project	Federal 1977	Federal 1978	State/Local 1977	State/Local 1978
A-2	30,000	35,000	60,000	35,000
A-3	48,000	20,000	96,000	20,000

Projects A-23 and A-24 are new in 1978.

4) None of the projects implemented in this program area encountered serious problems.

5) The projects that are found to have positive effects on crime and the criminal justice system will be continued and/or expanded, but those that experience minimal or no impact on the criminal justice system will be modified or discontinued.

TRAINING

1) Funding Level: $249,679.00*

2) Goal: To improve the quality of service delivered by criminal justice personnel by providing educational opportunities for continued and increased professional development

3) As of June 30, 1977, there were 725 officers certified for the Basic Certificate, 189 for the Intermediate Certificate, and 76 for the Advanced Certificate.

   The video-cassette training program was expanded to include 60 training cassettes. The program was turned over to the Montana Law Enforcement Academy for its staff to supervise.

During 1975 and 1976, 30 sheriff and police departments had been provided the first eight volumes of the International Association of Chiefs of Police (IACP) Training Program. This gives each agency excellent in-service training and reference material. This program will be expanded to include any agencies that wish to participate. Each agency is required to establish a training record for each officer and to subscribe for new volumes as the IACP produces them. POST Council feels this program will assist local agencies in establishing continuing in-service training programs.

With the assistance of a volunteer law enforcement task force, POST developed legislation to regulate volunteer law enforcement groups. Included in the bill were minimum selection and training standards and an 88-hour Basic Course. The Legislature passed this bill and it took effect July 1, 1977. POST is now involved with the Academy Bureau in helping those agencies with reserve officers develop their training programs and develop procedures on how to coordinate their reserve officers' activities.

The Juvenile Probation Officers' Association obtained funds for probation officer training for 12 courses, each culminating in a three-day workshop of graduate level in-service training in relevant aspects of juvenile justice counseling.

A task force of the MBCC Youth Justice Council studied the area of training for law enforcement juvenile officers. Training recommendations were drawn up for the Montana Law Enforcement Academy, where the training would be conducted.

*Includes FY1976 and FY1977 funds

Seventy-six grant requests for out-of-state training were approved for specialized criminal justice training which is not available within the state.

Two of the six 1977 training projects were continued to 1978 (B-5 & B-22). They were continued at the same ratios of federal, state, and local support as in the previous year. In terms of dollars, see the following comparison:

Project	Federal		State/Local	
	1977	1978	1977	1978
B-5	15,000	5,000	1,700	600
B-22	50,000	25,000	5,600	2,800

Projects B-23 and B-24 were new in 1977. Project B-9 was incorporated into B-23, Juvenile Justice Training. Project B-5, Probation/Parole Training, provided for continued in-service training for probation/parole officers.

4) None of the projects implemented in this program area encountered serious problems.

5) Projects in this important program area will continue to be funded and expanded due to the ever-increasing need for professionalism and capability of criminal justice personnel. There will continue to be a need for well-trained staff personnel in the institutions, and for judges, prosecutors, etc., so that they may continually expand their knowledge and expertise.

EDUCATION

1) Funding Level: $97,947.70*

2) Goal: To provide practical working experience for law students and LEEP students through internships in criminal justice agencies; to develop curricula and procide teacher training in law related education in primary and secondary schools; to help criminal justice agencies develop public communication capability

The law student program placed 29 students with law enforcement related agencies, 12 on a full-time basis and 17 on a half-time basis. Of the 12 full-time students, two served with the Montana Defender Project, two with the Attorney General's office, six with full-time county attorneys, and two with the public defender's office.

In addition to providing criminal justice agencies with additional manpower, funding enabled LEEP students from three college-level institutions to also gain practical experience working with the agencies. Further, this project has been effective in recruiting students to return to work in the Montana criminal justice system following graduation. Funding was continued to the post-secondary education program for inmates of the state prison.

A $10,000 subgrant was awarded to help the state prison continue its post-secondary education program for qualified inmates. This project also provides counseling for inmates. The project continues to be successful, with 162 student-inmates enrolled in academic classes in 1977. The 16 courses offered were of a general, practical nature in many subject areas. The costs covered by the funding included student tuition, books, supplies, and testing. It is hoped that the two parts of this program will result in encouraging positive attitudes toward education and society in general.

One of the 1977 education projects was continued in 1978 at the same match ratio. Dollar amounts compared as follows:

	Federal		State/Local	
Project	1977	1978	1977	1978
C-2	25,000	25,000	2,800	2,800

*Funding sources from FY1976 and FY1977

3) None of the projects implemented in this program area encountered serious problems.

4) It is anticipated these projects will continue to be funded in the future, expanding those found to be of benefit in the criminal justice system. Those whose results have minimal or no favorable impact will be modified or discontinued. It is an area, however, for which the need should continue to increase.

EQUIPMENT

1) Funding Level: $42,711

2) Goal: The overall goal of this program is to assist criminal justice agencies in acquiring adequate equipment for the performance of their respective criminal justice functions.

3) During the year, 59 subgrant awards were approved for agencies throughout the state. Although many requests were approved for basic police equipment, the trend appears to be shifting to educational and specialized equipment as criminal investigation becomes more sophisticated.

   The impact of equipment on criminal justice agencies has enabled law enforcement to keep abreast of the latest in training and investigative methods, which results in an effective and efficient professionalism in the criminal justice system.

The funding level of D-1 (Equipment) in 1977 was $690,000 federal, $20,000 state/local. Due to budget cutbacks, however, no money was budgeted for D-1 in 1978.

Project D-4 provided criminal codes to probation/parole officers, handbooks for youth, court procedural handbooks, etc., but has also not been budgeted in 1978.

4) No problems were encountered in this program area.

5) It is anticipated that equipment requests in the future will be program-related and will demonstrate the potential of having an impact on the criminal justice system, rather than be "stand alone" pieces of hardware.

SERVICES

1) Funding Level: $61,960*

2) Goal: To provide services in the way of technical assistance, counseling, etc., to criminal justice personnel and agencies, and to offenders being held in institutions and facilities; to provide public information programs for community awareness.

3) A project was funded to the juvenile court to encourage the development of intensive counseling activities for delinquent youth. This project utilizes a former delinquent working with a high risk caseload.

Several projects were approved to educate the public through community awareness programs in the area of narcotics and dangerous drugs. Public education and crime prevention among the elderly.

A counselor was funded under this program to provide rehabilitation services to inmates in city, county, and state institutions.

Two of the three 1977 services projects are continued in 1978 at the same match ratio. Comparison of funding levels is as follows:

	Federal		State/Local	
Project	1977	1978	1977	1978
H-1	30,000	88,500	4,000	9,800
H-2	15,000	5,000	1,700	600

Project H-5 was discontinued. Project H-11 and H-12 are new in 1978.

4) None of the projects implemented in this program area encountered serious problems.

5) Those projects that prove most useful and beneficial to the criminal justice system will be expanded. Maximum communications capability should be achieved for all agencies, and the capability of the state planning agency to collect and analyze crime data should be increased.

*Funding sources are FY1976 and FY1977

OPERATING STANDARDS

1) Funding Level: $972,894*

2) Goal: To encourage the partial or total consolidation of local law enforcement facilities, services, and operations by providing funding incentives.

3) Missoula City/County was awarded $187,852 to continue the crime specific strategy implemented in the preceding year.

Great Falls/Cascade County was awarded $196,725 to implement a planning coordinator to assess community needs and develop a crime specific strategy to reduce the incidence of those crimes.

Billings/Yellowstone County was awarded $147,497 to implement the crime specific strategy developed in the preceding year.

Continued funding was provided to a city/county felony drug team.

Two of the 1977 operating standards projects are continued in 1978, at the same match ratios. Funding levels are compared as follows:

	Federal		State/Local	
Project	1977	1978	1977	1978
G-2	375,000	340,500	42,000	37,900
G-7	60,000	25,000	7,000	2,800

4) None of the projects implemented to this program area encountered serious problems.

5) Funding for projects such as the above should continue as consolidation and standardization of operating procedures is seen as a need in all areas of the criminal justice system.

*Funding source - FY1976 and FY1977

FACILITIES

1) Funding Level: $112,420.60

2) Goal: To assist in providing new criminal justice facilities to improve existing ones.

3) Funding was provided to assist in the construction of new courtroom facilities and for equipment to upgrade the court facilities in ten locations.

   Six shelter care facilities were established to provide alternatives for detaining status offenders in county jails.

   Funding for local jail improvement was provided in communities to upgrade jail conditions.

   Program E-5 (local jails) is not continued in 1978 due to budget cutbacks.

4) None of the projects implemented in this program area encountered serious problems.

5) Continued funding will be provided for successful projects under this program. Extensive activity is anticipated in the area of detention and shelter care facilities over the next few years.

INFORMATION SYSTEMS

1) Funding Level: $345,091*

2) Goal: To encourage the development of information and communication systems to support the operational and management requirements of criminal justice agencies

3) Description: The following activities were funded:

Continued support was provided for technical assistance to accommodate an integrated statewide communications capability and provide communications equipment (radios, repeater systems, etc.) to law enforcement agencies. Technical assistance of this sort is now provided by the Communications Division of the Department of Administration.

The Montana Law Enforcement Teletype System (MLETS) was continued on a declining fund basis. MLETS supports computerized message switching among law enforcement agencies and provides a direct link with NCIC for information on wanted persons, stolen articles, and vehicles. In addition, it has a direct tie with the National LETS system for communication among the various states.

The Juvenile Probation Information System provides case management and statistical information regarding juvenile court referrals and dispositions as provided by juvenile probation officers in Montana. The information is used for caseload administration, planning, budgeting, and research. The data is collected monthly, edited and stored on disc by referral year. A flexible reporting capability allows the extraction of personal referral and disposition profiles on delinquent youth and youth in need of care as well as offenses by selected time periods and geographic areas. The data is based on individually numbered cases but does not contain the names of juveniles. The system supports an effort to develop uniform procedures, records systems, and statistical analysis for all juvenile probation offices in the state.

The SPA published a Criminal Justice Information Systems plan. This plan provides the strategy for the development and use of information systems at state and local levels. It also established priorities for funding by police, court, and corrections elements of the criminal justice system. It will be updated on a yearly basis.

*Funding sources from FY1976 and FY1977

In response to federal regulations, the Criminal Justice Information Systems Advisory Committee drafted legislation to control the collection, storage and use of criminal justice information. The proposed legislation was submitted to the Montana legislature, but was killed in committee.

The SPA's Bureau of Research and Design has developed a Grants Management Information System. This automated system tracks all grants approved by the MBCC. It records all fiscal transactions, inventories items purchased by each grant and maintains a current balance on all program funds. The system has a flexible reporting capability and can report by program, agency, county, region and produce statewide totals. The system interacts with the state budgeting and accounting system.

The SPA is continuing basic information systems. The arrest record system and the offenses known system provide yearly updates on crime and criminal activity in the state. The courts and prison system provide statistics concerning individuals within the criminal justice system. The Department of Institutions is continuing development of the Offender Based State Correctional Information System.

All five 1977 information systems projects are continued in 1978 at the same match ratios. Funding level comparison is as follows:

	Federal		State/Local	
Project	1977	1978	1977	1978
I-1	20,000	13,500	3,000	1,500
I-2	70,000	60,000	24,000	20,000
I-4	100,000	100,000	12,000	12,000
I-5	10,000	7,500	1,200	900
I-11		15,000		1,700

4) The chief problem during this period was the inability to secure the blessings of the state legislature on necessary legislation.

5) Those projects that promise to benefit the state's criminal justice system will be initiated and expanded within available funding. The emphasis will be on the coordination of criminal justice information systems using the state CJIS plan as a guide.

TITLE: Records System Update - Great Falls Police Department

BUDGET:

Federal	State/Local	Total
$11,700	$1,300	$13,000

OBJECTIVES:

Phase I:

The centralization, modification, or revision of the records system from its present manually kept form

Phase II:

1. To combine all "name" files into one master index file. The master index file would then be augmented by an automatic retrieval system that would support the records and communications functions, all divisions, and administrative heads

2. Redesign the present document storage system whereby storage, and more important, retrievability are modified and updated. This would be accomplished by going to microfilm with automated retrieval capability

3. Redesign the present forms to be compatible with an automated system

Phase III:

Automation of key major files (master index, documents, traffic records, criminal files, administrative data), representing both in-house and out-of-house automation. In-house would include the computerized automatic retrieval system for the master index file with CRT terminals in records, communications, and the detective division; and automated document retrieval of all records on microfilm.

DATA AVAILABLE:

Uniform Crime Reports submitted to the SPA monthly. The Great Falls Police Department currently has two major name files, the criminal master index file (55,000 entries) and the traffic records file (60,000 entries).

In 1974 there were 26,064 numbered complaint, offense, or incident reports called to the station or filled out at the station. These were all typed, categorized, talled, indexed, and entered into the records system. There are 17,678 numbered criminal files. There are over 3,000 accident reports filed annually. There is need for an automated filing and retrieval system which could best be accomplished by an automated microfilm system.

IMPACT:

It enhanced the manual system to delete and revamp certain forms and processes, install a phone reporting system for the officers, locate all records in a central room, and extend the hours that records personnel are in the records area. Some records that were not necessary to the overall operation were deleted. These measures have alleviated some of the problems but have not resolved them.

The communications and records systems are more closely correlated to produce a more efficient, cohesive retrieval-dissemination information system. The communications system was approached first. After two years of research, design, and redesign, a system was formulated, and on June 1, 1975, it was put into official operation. It abandons the "station to car" concept, and instead directs the communication directly from the station to the officers, whether in the car or out of it. During an eight-hour tour of duty, the officer is in direct contact with the station regardless of his location.

MONITORING:

A consulting firm was contracted to assist the department in assessing problems and determining needs. Technical assistance was provided by the SPA and the project was visited regularly by the regional field representative.

TITLE: Flathead County/Tri City Crime Prevention

BUDGET:

Federal	State/Local	Total
$13,170	$1,463	$14,633

OBJECTIVES:

Provide lectures to civic organizations promoting operation identification.

Conduct 200 premise security surveys for businesses and private residences within a one-year time period.

To have 500 participants in operation identification within a one year time period.

Conduct an intensive campaign to inform county residents on crime prevention.

DATA AVAILABLE:

1. Number of burglaries committed
2. Number of residential and commercial burglaries
3. Dollar amount of lost and recovered goods
4. Types of entry
5. Dollar loss and recovery in respect to operation
6. Identification and security surveys whether participant or non-participant

IMPACT:

Columbia Falls	Burglaries	Theft
4/75 to 3/76	15	118
4/76 to 3/77	27	149
Whitefish		
4/75 to 3/76	26	114
4/76 to 3/77	20	169
Flathead County		
4/75 to 3/76	316	432
4/76 to 3/77	245	567

Extensive media advertising is underway to inform citizens about crime prevention, as Flathead County has a large population of retired persons. The community relations officer was invited to conduct a series of lectures at the seven nutrition centers throughout the county.

During the grant year, 129 security surveys were performed in business establishments and private homes.

Operation identification provided 281 homeowners with an engraving tool to mark their valuables.

During FY1976-77, property stolen amounted to $265,427. Of this amount, $163,090 was recovered and returned to the rightful owners. Recovered but not returned property amounted to approximately $30,000.

Fiscal year 1976-77 showed an increase of 96% in reported crimes and complaints. This increase is attributed to a heightened crime awareness in the community.

MONITORING:

A preapplication conference was held to lend technical assistance in formulating and writing objectives.

The project implementation is frequently monitored by an SPA field representative. Quarterly reports are analyzed to assess the progress in meeting the operational schedule.

Future projects of this type will depend on the success or failure of partial or total consolidation of law enforcement agencies. The results obtained in the final analysis will provide information for similar projects in the special impact program area.

TITLE: Victim Defender Study

BUDGET:

Federal	State/Local	Total
$14,308	$1,590	$15,898

OBJECTIVES:

To compile data and statistics of crime in major population centers of the state and also rural Montana, where information is available, and to study victimization and offender restitution in light of:

1. the relationship to the criminal justice system
2. organization of compensation delivery
3. eligibility for compensation
4. criminal incident
5. th e familial exclusion
6. character and conduct of victim
7. financial need of victims and dependents
8. administrative issues
9. benefits
10. the cost of victim compensation program

ACTIVITIES:

The subgrantee conducted an intensive study of existing compensation programs in 13 states. A report was produced which included recommendations for Montana Crime Victims' Compensation.

IMPACT:

A bill for compensating victims was introduced to the 1977 Legislature, which approved it, and subsequently it was signed into law.

MONITORING:

This project was funded on a one-time basis to the Montana Catholic Conference. No pre-application conference was conducted and the project progress was monitored through quarterly reports submitted to the SPA.

TITLE: Attention Home - Butte, Montana

BUDGET:

Federal	State/Local	Total
$22,050	$2,450	$24,500

OBJECTIVES:

To provide predispositional care not to exceed two months, for up to 12 youths at a time, at a cost of $23.75 per day per youth

To reduce the number of youths incarcerated in Butte by 30% within 12 months

To provide basic services (food, shelter, communications, short range transportation, and counseling) for up to eight youths at a time at a cost of about $16.00 per day per youth

To test the assumptions that: dispositions made on youth in the attention home are of higher quality than if the youth were in jail; self-concepts suffer less in the attention home than in jail; agency persons have more accessibility to their clients; and, the attention home lowers recidivism rates

To provide evaluation services for all clients entering the program, using appropriate community resources

ACTIVITIES:

A homelike atmosphere was provided for no more than 12 juveniles at any one time, to divert young people away from incarceration and the hardening experience of jail.

IMPACT:

This project has reduced the number of juveniles incarcerated in the county jail by 50% over the year prior to the existence of the attention home.

The following kinds of data were analyzed to measure impact:

DATA AVAILABLE:

1. Number of youth placed in the attention home rather than jail

2. Number of days stay in the home per youth, and the average length of stay

3. Record total operating expenses of the project

4. Record number of youths placed in the attention home during project year, and number of youths placed in jail

5. Record services rendered; number of runaways receiving services

6. Number of youths referred to other agencies by the attention home for services

7. Transportation provided to runaways

8. Number of times the National Hotline is used to communicate with parents

9. Number of youths referred to the attention home

10. Number of youths referred for evaluation of some kind

11. Cost of each kind of evaluation and number of youths receiving each

The Southwest Montana Mental Health Program will design an evaluation model to make these determinations. When that model is completed, a new evaluation form will be submitted with all relevant information.

MONITORING:

The technical assistance of an SPA evaluator was provided in a preapplication conference to assist in developing goals and objectives.

Quarterly reports are analyzed to assess project implementation, progress, and success or failure in meeting objectives. A regional field representative visits the project regularly to monitor progress.

The results obtained from this project will provide valuable information for future replication, development, or funding of similar or different projects in this program category.

TITLE: Deputy Probation Officer

BUDGET:

Federal	State/Local	Total
$4,118	$10,372	$14,490

OBJECTIVES:

To provide youth on probation with tutoring through a volunteer program

To help youth find suitable employment

To offer youth good family atmosphere when necessary for counseling, outings, and moral support

IMPACT:

During FY1976, 24 volunteers were recruited for the project, five of which were inactive at various times during the year. Volunteers logged a total of 168 hours by April 12, 1977. At the completion date of the previous year, volunteers had logged 190 hours. Thirty-three juveniles have been referred to the volunteer project as of April 12, 1977, an increase of seven over the previous year, with this project year still incomplete. Matches last an average of 2 2/3 months ranging from one day to 1½ years. Twenty-nine matches were made during FY 1976.

The volunteer project includes a component in which the coordinator attempts to match youths with employers needing part-time workers. To date, 90 businesses have been contacted and 11 youths placed in part-time jobs.

MONITORING:

An SPA evaluator conducted a preapplication conference to lend technical assistance in planning and writing objectives and the subgrant application. The results obtained from this project will be used in future plans to develop, fund, or implement similar projects as the need arises.

TITLE: Yellowstone County Deputy Sheriff Manpower Assistance

BUDGET:

Federal	State/Local	Total
$9,010	$8,282	$17,292

OBJECTIVES:

As second year employment, to decrease the workload of the present juvenile detective 10% to 15%, which will balance out the case workload

To start a new community awareness program in the school system in Yellowstone County

ACTIVITIES:

A LEEP student was hired in February, 1976. He attended the Montana Law Enforcement Academy basic school, May-June, 1976, where he completed the firearms training.

The following have been established:

1. Number of cases processed through the Juvenile Division
2. Number of cases assigned
3. Disposition of cases processed

IMPACT:

The officer implemented a law awareness program in one of the local junior high schools. The program has been successful in that the students have a better understanding of the law and law enforcement. Many students will now talk and coordinate with law enforcement personnel, where they would not have considered doing so before.

1. Total juveniles processed through the juvenile court system from February 15, 1976, through February 15, 1977:

Boys	Girls	Total
1,617	830	2,447

2. Total juveniles processed through the juvenile court system from the department between February 15, 1976, and February 15, 1977:

Boys	Girls	Total
228	103	331

3. Number of cases processed through the juvenile division of the Yellowstone County Sheriff's Office from February 15, 1976, through February 15, 1977: 480

4. Disposition of all cases processed through the juvenile division from February 15, 1976, through February 15, 1977: (total: 480)

cleared by arrest	exceptionally cleared	inactive	active	unfounded
229	144	83	14	10

MONITORING:

The technical assistance of an SPA evaluator was provided in a preapplication conference to assist in developing goals and objectives.

Quarterly reports are analyzed to assess project implementation, progress, and success or failure in meeting objectives. A regional field representative visits the project regularly to monitor progress.

The results obtained from this project will provide valuable information for future plans, replication, funding, or implementing other projects in this program category.

TITLE: Missoula City/County Crime Attack Team

BUDGET:

Federal	State/Local	Total
$186,469.50	$21,771.46	$208,240.96

OBJECTIVES:

Missoula County Sheriff's Office

To reduce the number of violations committed by juveniles and adults, whose major offense is burglary and/or felony theft, by 5 percent for burglary and 7.5 percent for felony theft by June 30, 1977, at a cost of $19,487.29, using improved burglary/theft prevention program

To reduce the number of violations committed by juveniles and adults, whose major offense is burglary and/or felony theft, by 5 percent for burglary and 7.5 percent for felony theft by June 30, 1977, at a cost of $19,487.30, using improved burglary/theft identification and apprehension programs

Missoula Police Department

To reduce the rise of burglary and felony theft by 5 percent by June 30, 1977, at a cost of $23,936.69

To increase the apprehension of the number of offenders whose major offense is burglary and felony theft by 5 percent by June 39, 1977, at a cost of $23,936.68

County Attorney's Office

To maintain prosecutory effectiveness in support of percentage reduction of the number of offenders whose major offense is burglary and/or felony theft and who are processed through the CAT law enforcement units by June, 1977, at a cost of $19,000.00

Adult Parole and Probation

To reduce the number of recidivist burglary and theft violations committed by adult probationers and parolees, whose major offense is burglary and/or felony theft, by 5 percent of projected increase by June 30, 1977, at a cost of $14,807.00

Youth Court Probation Department

To reduce the number of recidivist burglary and felony theft violations committed by juvenile probationers, whose major offense is burglary and/or felony theft, by 10 percent between July 1, 1976,and June 30, 1977, at a cost of $20,786.00

ACTIVITIES:

1. The coordinated and cooperative systematic approach of five criminal justice agencies

2. The use of good professionals self-organized around mutually agreed-upon intent

3. The development and acceptance of a sense of ownership by each participating individual and agency

4. The development of a reciprocal information flow and exchange among all participating agencies

5. The addition of personnel, equipment, and a reorganization and maximization of existing resources

6. The development of pro-active law enforcement with supportive and collateral prosecutorial services and parole and probation functions

7. The allocation of resources based on crime analysis

8. Aggressive patrolling for prevention and apprehension in high incidence areas during high incidence times

9. The development of a modified career criminal program resulting in more and harsher sentences

10. The increased supervision over adult and juvenile probationers and parolees

IMPACT:

During the first year of implementation the CAT program made a significant impact on the crime targets in Missoula City/County. The number of burglaries and felony thefts reported were well under the number expected for the period in both the city and county. Comparing the number of burglaries and felony thefts reported in the city of Missoula for its implementation period with the number projected for this period shows that these crimes have been reduced 23.9 percent. County figures show an even greater reduction, 36.4 percent.

In the County Attorney's Office, two important prosecution trends were identified by the data. First, many more sentences are being imposed, increasing 144 percent over the baseline year. Second, sentencing is becoming more severe. Specifically, the number of sentences falling within the 1-5 year range and 6-10 year range increased 62 percent and 333 percent, respectively.

The Adult Parole and Probation Office reduced the number of burglary and felony theft recidivist acts by 14.9 percent.

The Youth Court Probation Department reduced the number of burglary and felony theft recidivist acts by 26.5 percent.

DATA AVAILABLE:

Missoula County Sheriff's Office - Comparison of Projected Vs. Actual Number of Crimes

	Implementation Period			
	1st Quarter October-December 1976	2nd Quarter January-March 1977	3rd Quarter April-June 1977	Total to Date
Burglary				
Projected	54	54	54	162
Actual	39	37	22	98
% Difference	-27.8	-31.5	-59.3	-39.5
Felony Theft				
Projected	70	72	75	217
Actual	62	32	49	143
% Difference	-11.4	-55.6	-34.7	-34.1
Total Target Crimes				
Projected	124	126	129	379
Actual	101	69	71	241
% Difference	-18.5	-45.2	-45.0	-36.4

DATA AVAILABLE:

Missoula Police Department - Comparison of Projected Vs. Actual Number of Crimes

	Implementation Period			
	1st Quarter September-December 1976	2nd Quarter January-March 1977	3rd Quarter April-June 1977	Total to Date
Burglary				
Projected	163	131	138	432
Actual	122	73	74	269
% Difference	-25.2	-44.3	-46.4	-37.7
Felony Theft				
Projected	118	95	100	313
Actual	133	81	84	298
% Difference	+12.7	-14.7	-16.0	- 4.8
Total Target Crimes				
Projected	281	226	238	745
Actual	255	154	158	567
% Difference	- 9.3	-31.9	-33.6	-23.9

DATA AVAILABLE:

County Attorney's Office - Data Summary

Burglary and Felony Theft	First Six Months of Implementation: Baseline July-December 1975	Implementation July-December 1976	Percent Change
Type of Sentence			
Suspended	6	8	+ 33
Deferred	18	12	- 33
Imposed	7	13	+ 86
Length of Sentence			
3 months	0	3	+300
3-12 months	4	2	- 50
1-5 years	25	23	- 8
6-10 years	2	5	+150

Burglary and Felony Theft	Last Six Months of Implementation: Baseline January-June 1976	Implementation January-June 1977	Percent Change
Type of Sentence			
Suspended	4	9	+125
Deferred	7	22	+214
Imposed	2	9	+350
Length of Sentence			
3 months	1	0	-100
3-12 months	1	0	-100
1-5 years	9	32	+256
6-10 years	1	8	+700

DATA AVAILABLE:

Adult Parole and Probation

	Recidivist Acts / Caseload		Recidivism Rate
1st Quarter Implementation July-September 1976	1 / 48	=	2.1%
2nd Quarter Implementation October-December 1976	3 / 60	=	5.0%
3rd Quarter Implementation January-March 1977	3 / 65	=	4.6%
4th Quarter Implementation April-June 1977	0 / 65	=	.0%

Average to date ----------	2.9%
Baseline recidivism rate ----------	17.8%
Percent increase/decrease ----------	-14.9%

DATA AVAILABLE:

Youth Court Probation Department

	Recidivist Acts / Caseload		Recidivism Rate
Baseline Period 1974	71 / 166	=	42.8%
Program Implementation October 1, 1976 to June 30, 1977	7 / 43	=	16.3%

Percent Increase/Decrease ---------- -26.5%

DATA TOTALS

	CITY	COUNTY
Burglary/Felony Theft	-23.9%	-36.4%
Imposition of Sentence	+144%	
Severity of Sentence	(1 to 5 years) +62%	(6 to 10 years) +333%
Recidivism/Adults	-14.9%	
Recidivism Juveniles	-26.5%	
Burglary Arrests	+14.4%	+89.5%
Felony/Theft Arrests	+49.2%	+47.9%

MONITORING:

An SPA evaluator reviewed the subgrant narrative to insure that criteria were established to perform an internal assessment and evaluation.

An interim conference was conducted with the project director to review six months of operation and discuss problems, successes, failures, and implementation overall.

The quarterly report was analyzed and actual achievements compared against stated objectives.

Field representatives conducted on-site visits. The results obtained from this project will provide valuable information for planning, developing, funding, or implementing similar projects in the special impact program category.

COST EFFECTIVENESS

Cost effectiveness studies in law enforcement and criminal justice are seldom attempted. The complexities and intangibles make it nearly impossible. Besides the overwhelming methodological and cost allocation problems involved, there is the ethical problem of how to place a dollar value on effective law enforcement and criminal justice.

Due to a lack of such data, however, law enforcement and criminal justice agencies often find it difficult to adequately defend themselves when asked by their respective funding sources to justify their existence or the existence of special programs. Considering that, a cost effectiveness study is being considered, and will be attempted.

The most obvious and only step to take at this time is to turn the number of burglaries and felony thefts prevented into a dollar figure and determine the amount of property recovered in actual burglaries and felony thefts. The necessary data is available to compuete this for both law enforcement agencies, but it is beyond the scope of available data and methodology to compute costs in the county attorney's office, Youth Court Probation, and Adult Parole and Probation. These problems, however, may be worked out during the second year of implementation.

Cost Effectiveness* - Sheriff's Office

Prevented Property Loss**

Average cost per burglary***	= $461		
Number of burglaries prevented	= 64		
Amount saved ($461 x 64)	=	$ 29,504.00	
Average cost per felony theft***	= $587		
Number of felony thefts prevented	= 74		
Amount saved ($587 x 74)	=	$ 43,438.00	
Total prevented property loss	=		$ 72,942.00

Property Recovered****

Burglary	=	$ 19,539.36	
Felony theft	=	$ 16,128.95	
Total property recovered	=		$ 35,668.31
GRAND TOTAL	=		$108,610.31
PROGRAM COST	=		$ 38,974.59
SAVINGS	=		$ 69,635.72

*Based on nine months of implementation.
**Property damage due to forcible entries is excluded.
***Calculated on eighteen months of data.
****This is not restricted to the CAT Team but represents a departmental effort. Property recovered for other jurisdictions is not included.

Cost Effectiveness* - Police Department

Prevented Property Loss**

Average cost per burglary***	= $351		
Number of burglaries prevented	= 163		
Amount saved ($351 x 163)	=	$ 57,213.00	
Average cost per felony theft***	= $541		
Number of felony thefts prevented	= 15		
Amount saved ($541 x 15)	=	$ 8,115.00	
Total prevented property loss	=		$ 65,328.00

Property Recovered****

Burglary	=	$ 30,271.00	
Felony theft	=	$ 12,492.00	
Total property recovered	=		$ 42,763.07
GRAND TOTAL	=		$108,091.07
PROGRAM COST	=		$ 47,873.37
SAVINGS	=		$ 60,217.70

*Based on ten months of implementation.
**Property damage due to forcible entries is excluded.
***Calculated on eighteen months of data.
****This is not restricted to the CAT Team but represents a departmental effort. Property recovered for other jurisdictions is excluded.

PART V - SPECIAL REQUIREMENTS

The plans, programs, and systems discussed in this section have relevance to the Montana criminal justice system.

MONTANA
YOUTH DEVELOPMENT BUREAU (YDB)

The Youth Development Bureau supplements the SPA staff through the agreement seen in Attachment 2 of the JJDP Supplement.

The Montana Youth Development Bureau originally was established as the Rural America Project by the Juvenile Delinquency Prevention and Control Act of 1968, amended in 1972. In addition to administering the runaway youth act programs, the YDB on October 1, 1975, began administration of youth-related Social Security Title XX programs within five broad national goals:

1. Achieving or maintaining economic self-support to prevent, reduce, or eliminate dependency;

2. Achieving or maintaining self-sufficiency, including the reduction or prevention of dependency;

3. Preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests, or preserving, rehabilitating or reuniting families;

4. Preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care; or,

5. Securing referral or admission for institutional care when other forms of care are not appropriate, or providing services to individual institutions.

The philosophy underlying this goal structure is that the highest possible level of independent functioning should be pursued. The program should move people away from relatively dependent individual functioning (characterized in the extreme by institutional placement) towards relatively independent functioning (characterized at the other end of the spectrum by financial and social independence).

Within these goals and as a result of statewide public hearings, YDB has outlined objectives in the following areas:

1. Planning and community development;
2. Youth development and primary intervention;
3. Intervention and diversion from the juvenile justice system;
4. Provision of group care treatment.

The YDB operates with a state staff and community workers in Butte/Anaconda, Missoula/Polson, Helena/Augusta, Shelby/Cut Bank, Great Falls, Billings, Miles City, and Kalispell. The workers' responsibilities extend district-wide. Under the agreement signed with the SPA the workers are also responsible for providing technical assistance and monitoring help for LEAA Part C, Part E, and JJ&DP Act funds. the workers work closely with the SPA field staff in handling youth related matters.

Services funded with Title XX funds include:

Emergency and Runaway Services

Program Definition:

Emergency and runaway services are protective services for youth under age 18 that provide emergency shelter not to exceed 30 days in any six month period, transportation, hot line, information and referral, legal, medical, and other emergency services to runaways and other youth in crisis through group homes, emergency foster care, etc. Any medical services provided are done on an emergency basis as an integral but subordinate part of the service if funds are not available under Title XIX. Medical services may include examination, diagnosis, physician services, inpatient hospital services, out-patient hospital services, laboratory and x-ray, clinic services, prescribed medicine, and other licensed practitioner services.

Objective of Program:

To provide services to 300 runaway youth and 225 other youth in crisis in order to (a) divert these youth from further penetration into the juvenile justice system (b) maintain the youth within his/her family when possible, (c) obtain a suitable living alternative when necessary and (d) prevent or remedy neglect, abuse, or exploitation.

Family Centered Early Intervention

Program Definition:

This service provides early intervention for "acting out," "pre-delinquent,"and "behaviorally disturbed" children under age 12 and their families as a protective service. Activities of this service include teaching parenting skills in management behavior techniques and teaching children social learning skills. In-home observations are provided as well as consultations to schools.

Objective of Program:

To provide family teaching services to 70 families in order to (a) prevent delinquency and serious disturbance in children in these families (b) prevent or remedy child abuse and neglect by providing these parents with child management skills (c) avoid institutional placement by maintaining and treating children in the home.

Special Services for Children

Program Definition:

Model projects developed and sponsored by the local community to address the special needs of children under age 18 within the community. Services of this program include supervised after school activities, and preschool activities including screening and early diagnosis for learning problems and training in social and learning skills.

Objective of Program:

To provide model programs and projects for 62 children with built-in evaluation processes to show the impact upon children served in order to demonstrate the need for such programs within the community, to enable parents to retain employment, and to enhance early child development.

Volunteers to Youth

Program Definition:

The Volunteers to Youth program provides support for volunteer programs that provide a meaningful relationship with an adult for children from single parent families or those families where a significant "other person" is essential to a child's well-being. There are 500 volunteers involved in this program.

Objective of Program:

To provide a meaningful one to one relationship with an adult for 835 children in order to prevent dependency, abuse and neglect, institutionalization, and entry into the juvenile justice system.

Youth Residential Treatment

Program Definition:

This service provides residential group care services to "youth in need of care" and "youth in need of supervision" in a group home setting using a defined treatment modality. Services

include counseling and training in social learning skills as a protective service to youth over age ten and under age 18.

Objective of Program:

To provide community-based group care services for 67 youths as an alternative to placement in a state institution and to prevent or remedy neglect, abuse, or exploitation.

The Youth Justice Council reviews applications for funds under these program areas. This arrangement ensures coordination of the Title XX and Runaway Youth Act funds with LEAA dollars. It also provides a more consistent process for distributing federal dollars throughout the state.

A more detailed description of the relationship between the SPA and the Youth Development Bureau is contained in the JJDP Supplement to this plan.

Highway Safety Act

The Montana Highway Traffic Safety goal is to lower the accident severity and fatality rate to the minimum consistent with an efficient motor vehicle transportation system.

The following law enforcement related projects have received funding under title 402 of the Highway Safety Act of 1966 and 1973, and are coordinated by the Highway Traffic Safety Division.

Anticipate FY 1978 Safety Projects Related to Law Enforcement

1. Conduct selected City/County law enforcement programs for traffic safety.

2. Continue selective enforcement program at high accident locations (Highway Patrol)

3. Initiate special selective enforcement program for local police and sheriffs (alcohol and speed enforcement)

4. Conduct special traffic enforcement workshops for local police and sheriffs (alcohol and selective enforcement methodology)

5. Upgrade field testing equipment to determine blood-alcohol level in drinking drivers

6. Continue pre-sentence investigation system and court referral school program statewide.

MONTANA MENTAL HEALTH FACILITIES

Montana's comprehensive mental health services program has two overall purposes:

> to assure the state's commitment to fulfill its obligations of participation in the Public Health Services Act, and to provide mechanism for direction and communication between the Montana Department of Institutions and other state and local organizations involved in delivery of mental health services.

Warm Springs State Hospital is responsible for administration of institutional care to the mentally ill. Supportive services provided at WSSH include individual and group therapy, occupational therapy, recreational therapy, industrial therapy, educational (academic and vocational-technical) counseling and training, music therapy, and full medical care.

As of July, 1975, local community mental health centers (CMHC) were empowered to become private non-profit corporations separate from direct state agency affiliation. The Department of Institutions was empowered to contract with regional mental health corporations for the purpose of the prevention, diagnosis, and treatment of mental illness. In line with this sanction, the department has chosen to contract with five regional mental health boards for provision of the following services:

-Inpatient: provision of 24-hour short-term care and evaluation typically provided in a medical setting.

-Outpatient: provision of group and individual therapy on a regularly scheduled basis.

-Day Care and Partial Hospitalization: provision of less than 24-hour care or partial hospitalization during nights, evenings, or weekends.

-Emergency: provision of immediate, 24-hour mental health care and evaluation for persons in crisis. Service is provided on a face-to-face and crisis telephone basis.

-Children and Elderly: provision of full diagnostic, treatment, liaison and follow-up services with special attention to these age groups.

-Alcohol and Drugs: provision of a program for prevention and treatment of drug abusers and alcoholics.

-Transitional or Halfway Houses: provision of residential treatment to individuals released from institutional care who, in the absence of such facilities, would require inpatient services. This service fosters gradual, phased return to community living.

-Aftercare or Follow-up: establishment and maintenance of contact with persons discharged from institutions in order to maintain treatment.

-Screening and Diagnosis: provision of diagnostic evaluations for courts and other public agencies with persons who are being considered for referral to state mental health facilities. Such screening is also performed for current institutional residents to insure appropriateness of placement.

-Consultation and Education: provision of training and assistance to a wide range of individuals involved with mental health services, including health professionals, schools, courts, state and local law enforcement, members of the clergy, public welfare agencies, and other appropriate entities.

Community mental health centers are located in Miles City, Billings, Missoula, Helena, and Great Falls. There are 29 center satellite offices. Nine counties do not participate: Mineral, Powellk Chouteau, Liberty, Madison, Gallatin, Golden Valley, Treasure, and Carter.

INSTITUTIONAL MENTAL HEALTH FACILITIES

All correctional institutions in Montana have a program of clinical services available to their inmates. From 1974 through 1977 all institutions improved services to inmates by the addition of professional staff and the expansion of their mental health programs.

Montana State Prison

The clinical services program at Montana State Prison consists of one full-time clinical psychologist as project director, one clinical psychologist on a consultant basis, and two clinical psychologist trainees on a part-time basis. The Diagnosis and Evaluation Program for inmates sentenced to Montana State Prison for a 45 day period for intensive evaluation got underway and is progressing satisfactorily.

In addition, a Psychiatrict M.D. visits from Warm Springs, the State Mental Hospital, twice weekly.

A drug counselor from the Southwestern Montana Drug Program in Butte is available to give inmates individual counseling. He helps the inmates develop pre-release plans for placement into community drug programs, drug therapy centers, or other treatment areas.

The alcohol program, located at nearby Galen State Hospital, is fully operational and has a representative who visits the prison. The Alcohol Treatment and Rehabilitation Center gives an orientation or pre-entry program at the prison and then accepts the inmates on a pre-release basis. The inmates are paroled directly to the Alcohol Treatment and Rehabilitation Center and do not enter employment until they have completed the program.

The prison also has obtained the services of a full-time Bureau of Indian Affairs counselor to concentrate on the special problems of Indian inmates. The "Dial Home" program provides closer contact between the inmate and his family via telephone. The staff/inmate committee concept is being used to bring deeper inmate involvement in problem solving. The "Due Process of Law" concept has become part of the disciplinary procedure. Also, procedures have been changed to allow sealed letters to go to certain state and federal officials.

Swan River Youth Forest Camp

Mental health services are available to the inmates of the Swan River Youth Forest Camp through the Western Montana Regional Mental Health Center. A psychologist from the Ronan satellite office visits the camp on an average of one day a week to provide treatment and testing.

Mountain View School

The Mountain View School for Girls at Helena has a full-time clinical psychologist for its mental health program. Clinical services now consist of testing evaluation, treatment, individual counseling, group counseling and therapy, and consultation with other staff members. The Mountain View School uses the services of the Helena satellite office for its more severely disturbed girls. The Helena satellite office has nine professionals, including two psychiatrists, two psychologists, one psychiatric nurse, one community health nurse, two community mental health workers, and one occupational therapist.

Pine Hills School

At Pine Hills School, the clinical services staff is in the fifth year of using a modified work schedule to promote better work relationships among staff through team meetings. Consistency and comprehensiveness in working together for the benefit of the students has increased, and a closer working relationship with the entire Pine Hills School staff has evolved from this system.

The Clinical Services staff of 12 continues to offer a comprehensive medical, social psychological, and psychiatric evaluation and treatment plan to each student.

The school staff has continued to place emphasis upon improving the treatment program in the discipline unit. Emphasis is on treatment and understanding rather than punishment. They have added a supervisor-counselor in the discipline unit to coordinate this program with that of the clinical services department. The clinical staff is directly involved with the treatment process and boys who demonstrate acute behavior problems are receiving more individual help than previously.

The Montana Alcohol and Drug Abuse Prevention Plan

The Federal Drug Abuse Office and Treatment Act of 1972 directed the development and promulgation of a comprehensive, coordinated, long-term strategy for all drug abuse prevention and drug traffic functions conducted, sponsored, or supported by the federal government. The Act also empowered the federal government to set standards and assist state and local governments in expanding their drug efforts.

In 1973, an Addictive Diseases Unit was created in Montana within the office of the Governor. This unit was transferred July 1, 1975, to the Department of Institutions. The Addictive Diseases Bureau now has subsumed the Addictive Diseases Unit along with responsibility for coordinating all activities pertaining to drug addiction.

The Drug Coordinator serves under the Addictive Diseases Bureau. The Coordinator and his staff are responsible for training, education, and information dissemination and for coordination of activities with treatment facilities in the state.

The Montana State Plan for Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation

The 1975 Montana Plan for Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation was delivered to ensure continuity in planning and programming, to qualify the state for participation in the formula grant program authorized by P.L. 91-616 and P.L. 93-282, and to fulfill requirements of Section 80-2711, R.C.M. 1947. As of October 1, 1975, the Alcohol Services Division physically was transferred from the Department of Health and Environmental Sciences to the Department of Institutions.

Sections 80-2701 through 80-2722, R.C.M. 1947

The 1974 Montana Legislature passed legislation, which subsequently became law, that recognized alcoholism as an illness, and provided that proper treatment programs for alcoholism be established, maintained, and encouraged. It also provided that Montana's efforts be coordinated and made to cooperate with those of other states. Guidelines were drawn for a comprehensive treatment program, and standards set for private and public treatment facilities.

Appropriation legislation also was passed and signed into law in 1977 which provided for an increase in the revenue tax imposed on the sale of retail alcoholic beverages. These tax monies are intended for use in the implementation of Section 80-2701 through 80-2722, R.C.M. 1947.

Linkages and agreements have been documented and presently exist between the Addictive Diseases Bureau (ADB) and the Crime Control Division (the SPA).

ADB will provide SPA:

1. Access to all data collected pursuant to the IDARP Client Data System, funded by the National Institute of Drug Abuse (NIDA), as well as the services of the ADB staff to analyze this data as may be required by the SPA.

2. Access to all supplemental data collected in addition to IDARP system data, to the extent that client confidentiality is maintained.

3. Cooperation in any future SPA efforts to collect and analyze substance abuse data generated from either drug program client populations or from other sources, provided present client confidentiality provisions are observed.

4. Planning assistance and input for substance abuse considerations in all future SPA planning and project or program implementation.

SPA will provide ADB:

1. Access to all data collected in Montana for the FBI Uniform Crime Reporting System and through the Criminal Justice Data Center.

2. Access to data analyses pertaining to substance abuse, as well as comparative data for other typical crime categories, prepared in the normal course of SPA operation.

3. Cooperation in any future ADB efforts to collect and analyze substance abuse data generated from sources within Montana.

4. Planning assistance and input for substance abuse considerations in all future ADB planning and project or program implementation.

In addition, ADB and the SPA jointly agree to dedicate the necessary staff time and resources to "plan and develop a coordinated program of service delivery to drug abusers in the criminal justice system."

The SPA will cooperate with ADB efforts to provide substance abuse services for all individuals in Montana's correctional institutions, emergency services for treatment of acute problems upon arrival at city and county jails, and substance abuse prevention and treatment for those incarcerated over longer periods of time.

The SPA will cooperate with ADB efforts to provide substance abuse prevention services to all individuals on probation or other supervisory release programs.

SPA cooperation will include provisions of all necessary technical assistance for ADB to obtain available LEAA funding.

L.E.A.A. DISCRETIONARY GRANT PROGRAM

Progress to Date on all Active Discretionaries

DESCRIPTION	AMOUNT OF AWARD	DATE OF AWARD	EXPIRATION DATE
75-DF-08-0004 Blackfeet Tribe Request for extension to 6-30-77 pending	230,274.00	8-15-75	12-31-76
76-ED-08-0003 OBCIS	140,985.00	11-15-75	6-30-77
76-DF-08-0012 Missoula Organized Crime	203,800.00	1-1-76	12-31-77
76-DF-08-0036 U. of M. Criminal Law Res.	83,196.00	10-1-76	9-30-77
76-TA-08-0017 Community Affairs	23,000.00	10-1-76	9-30-77
76-DF-08-0037 Salish Kootenai	31,000.00	10-1-76	9-30-77
76-DF-08-0039 Salish Kootenai	146,000.00	10-1-76	3-31-78
76-SS-08-0006 Criminal Data Center	70,000.00	9-1-76	8-31-77
76-DF-08-0032 Criminal Data Center	17,000.00	9-1-76	8-31-77
76-ED-08-0012 Criminal Data Center	35,000.00	9-1-76	8-31-77
77-DF-08-0008 Chippewa Cree	200,000.00	3-1-77	2-28-78
77-TA-08-0001 Organized Crime	15,000.00	1-1-77	9-30-77

Department of Military Affairs

Civil Defense

The Civil Defense Office is responsible for coordinating emergency response of all local law enforcement units in event of natural disasters, civil disorders, or possible foreign attack. The Civil Defense Office has assisted each of the 56 counties in developing an emergency plan. Each county has a basic plan, and some have developed more elaborate plans for any emergency.

Civil Defense directly assists in the coordination of county government activity in case of a civil disorder or emergency situation. Additionally, the Civil Defense office will provide any county with excess or surplus government property in order to legitimately increase this readiness. Excess property is defined as major items such as vehicles that are loaned to the county for five years. Surplus property is defined as smaller items that are within the budget of the county and can be purchased at reduced costs. There are basically four types of equipment: office equipment, ground transportation of all types, emergency medical equipment, and search and rescue equipment.

The Civil Defense is headquartered in Helena with a staff of 18 including contract personnel. The office also has six district headquarters strategically located throughout the state. Each is staffed with a full-time person. Each county provides one person to work with civil defense on a part or full-time basis.

Montana National Guard

The Governor is commander-in-chief of the militia forces of the state, except when they are in the actual service of the United States. He may call out any part or all of the forces to aid in the execution of the laws, suppress insurrection, repel invasion, or protect life and property in natural disasters.

The National Guard has a military support to civil authority office located in Helena.

The National Guard assists communities in developing and revising plans for coordinated state and local emergency response. A civil disturbance control plan has been developed in six major Montana cities. This plan can be expanded to other areas or communities where a potential emergency situation exists.

The state headquarters for the Army and Air National Guard administration are located in Helena. The Air National Guard is in Great Falls. Four other major units are headquartered in Billings, Bozeman, Kalispell, and Missoula. There are also 30 sub-units strategically located throughout the state. The Army National Guard has 2,660 men and women and the Air National Guard has 900 men and women.

Department of Highways

Gross Vehicle Weight Division

The Gross Vehicle Weight (GVW) Division is primarily responsible for registration and enforcement of vehicle size and weight laws. It has seven major duties to perform:

1. Inspection of all intra-state trucks, and trailers and the collection of gross vehicle weight fees;

2. Registration of all interstate vehicles requiring proportionate registration;

3. Issuance of permits for all oversized and overweight vehicles and loads and the enforcement of all size and weight laws;

4. Issuance of permits and inspection for taxation of the movement of mobile homes;

5. Enforcement of commercial vehicle moves (factory to factory and dealer to dealer) of all new and used vehicles;

6. Enforcement of fuel tax laws; and,

7. Enforcement of importers gasoline tax laws.

The GVW division has a statewide network of 31 checking stations. Of these, eight are mobile and move throughout the state. Currently, the 55 uniformed GVW officers are designated as peace officers. They now attend basic school at the Academy and have the power to arrest for violations of GVW regulations.

Weights and Measures Division

The Division of Weights and Measures is responsible for weight and quantity control of consumer products throughout Montana. The Division regularly checks the accuracy of and seals all weight scales, and checks and verifies quantity in product packaging.

The special police powers that were vested with the state sealer were changed by the 1975 Legislature to regular police powers. In enforcing the provisions of the department or any other law pertaining to weights and measures, the department may, in the manner provided by law for peace officers, arrest violators, conduct searches and inspections, and seize for use as evidence incorrect or unsealed weights and measures or packages of commodities unlawfully used, possessed, offered, or exposed for sale or unlawfully sold.

The department has eight field men covering six districts within the state. Ten men have police power.

Consumer Affairs Division

The Montana Unfair Trade Practices and Consumer Protection Act defines unfair methods of competition and unfair or deceptive practices in the conduct of any trade or commerce. The Act also provides investigative procedures and penalties for violations of the Act.

The responsibility for the administration and enforcement of the Act rests with a state office and the county attorney's office in all 56 counties.

On the state level, a Consumer Affairs Division has been established within the Department of Business Regulation. It is staffed by three people: an administrator, a staff attorney who may initiate legal action, and a secretary.

This office processes statewide consumer problems and complaints of a civil nature and has concurrent jurisdiction with first and wecond class counties. Criminal cases may be handled only by the county attorney. The state office also may define unfair practices, promulgate rules relating to unfair practices, refer cases to county attorneys, and coordinate and act as a clearinghouse for all cases within the state.

The first-class and second-class counties may designate or appoint a consumer advocate and the counties of Missoula, Yellowstone, and Cascade have either an investigator or a deputy county attorney assigned to process consumer problems and complaints.

New legislation since 1973 includes the following:

1. A three-day cooling-off law for consumers who enter a contract for payment. A consumer may rescind a contract and receive a full refund on a down payment of $25.00 or more

2. A consumer protection bill providing a penalty for chain distributor schemes

3. Provision that correspondence courses, business colleges, and other post secondary sources of education which are not accredited by a state or national association may be licensed or regulated by the Department of Business Regulation

4. Authority for the Division to provide rules and regulations for consumer reporting agencies

Department of Community Affairs

Human Resources Division

The Office of Economic Opportunity (OEO) has been absorbed and centralized within the Human Resources Division.

Montana has nine operational community action programs which are active throughout the state, and programs on each of the seven Indian reservations. The Division contracts, reviews, programs, and funds the community action programs in each of Montana's 12 planning regions for community development services.

The services currently offered are: Alcoholism Information and Referral, Operation Headstart, Community Service Workers, Farm Worker Advocacy, Family Planning, parts of the Comprehensive Employment Training Act, and residential winterization for the poor and aged.

During 1976 approximately 6,000 individuals received financial or other benefits of one or more of the services. The total budget for all OEO programs in operation in FY 74 was approximately $7,000,000.

Rehabilitative Services Division

The Rehabilitative Services Division operates the vocational rehabilitation program in Montana and is federally funded through the Rehabilitative Services Division of the Office of Human Development, HEW.

The objective of this Division is to maintain a high level of service for the state's mentally, physically, and visually handicapped persons, helping them to achieve their fullest physical, mental, social, vocational, and economic potential.

Rehabilitative Services, in coordination with other agencies, will continue to develop and expand existing services to inmates and releasees of Montana's correctional institutions. Full-time counselors are employed at Montana State Prison, Pine Hills School, Swan River Youth Forest Camp, and Mountain View School.

Division personnel numbers 100, including 33 counselors.

Social Services Bureau

The program of this bureau is designed to deliver family and child services on an individual and group basis to economically deprived, abused, exploited, or neglected children, and to provide public social services directed toward achieving social rehabilitation and economic independence for each individual and family.

The bureau has five basic goals designed to provide comprehensive service to children, families, and adults: to treat present dependency, to provide self-sufficiency, to provide protective services, to provide services to reduce inappropriate institutional care, and to seek institutional care when appropriate.

The relationship of social service programs to law enforcement is in their service to juvenile and adult corrections cases. Adjudicated delinquent girls who are pregnant and under the care of the Department of Institutions are referred to this bureau for services and supervision.

The bureau caseworkers cooperate with local law enforcement, courts, and probation and parole officers in providing service to troubled youth and adults. Each of the state's counties has at least one caseworker who can provide adult, family, and juvenile services to the public.

Alcohol and Drug Countermeasure Laboratory

This laboratory, staffed by two chemists and a technician, was established by a grant from the Highway Safety Act. The laboratory has three main responsibilities: the maintenance of the 14 Alco-Analyzer units in the field, the certification of operators and operator supervisors, and the maintenance and monitoring of the proficiency of all operators in the state.

The laboratory has set up 14 breath analysis machines throughout the state to be used by 200 qualified operators. Each year these units ayalyze some 1,800 samples.

The laboratory also supplies, free of charge, some 2,500 mobile alcohol breath testing kits (sobormeters) annually to requesting law enforcement agencies.

The laboratory also has a Varian 2800 Gas Chromatograph used to analyze body fluids for dangerous substances. This unit will detect barbiturates, amphetamines, opiates, and methadone.

The laboratory charges the Highway Patrol $5.00 for a blood analysis and will analyze samples from all other law enforcement agencies received through the Highway Patrol.

More than 1,800 tests have been analyzed for law enforcement agencies and of this total over 1,500 or approximately 85% of these were found to be over the 0.1 percent of the presumptive level of intoxication for the implied consent law.

Expert witness testimony has been supplied in court over 30 times by members of the laboratory unit throughout the state.

The annual budget for the laboratory is in excess of $40,000.

Education Programs

Title I of the Higher Education Act of 1965 authorized the use of federal funds to conduct community service and continuing education programs. Montana State University in Bozeman is the office designated to administer such funds.

The Commission on Higher Education is the agency that actually administers the various programs. Any institution of higher learning or any state or local agency may make application for participation in the program or may act as sponsor for a program provided that the program falls within the intent and scope of Title I.

Manpower Programs

All manpower training programs operating in Montana are open to former inmates of all correctional institutions without regard to race, color, creed, sex, or age. However, applicants must meet the standard enrollment criterion, which generally requires the individual to be earning less than the federally established poverty income level.

Federal-state funding for manpower training programs in the past fiscal year amounted to approximately $24 million.

In December, 1973, the Comprehensive Employment and Training Act (CETA) was signed into law. The Act provides for job training and employment opportunities for disadvantaged, unemployed, and underemployed persons to be established through a flexible and decentralized system of federal, state, and local programs. The allowable activities authorized under the Act are: classroom training, on-the-job training, public service employment, work experience, manpower and supportive services, and other manpower activities.

CETA is divided into seven sections. Title I emphasizes employment and training activities, Title II provides a Public Service Employment program, Title III designates federal responsibilities to serve special target groups, Title IV is concerned with the Job Corps, Title V with the National Commission for Employment and Training Policy, Title VI with Emergency Public Service Employment Programs, and Title VII outlines the general provisions of the Act.

To enable seriously disadvantaged individuals to participate in CETA programs, subgrantees also supply manpower and supportive services. Program participants are provided a variety of services to enhance their employability and retain employment. Manpower services include, but are not limited to: outreach, intake and assessment, orientation, counseling, job development, job placement, and transportation. Supportive services include, but are not limited to: health and medical services, child care, residential support, assistance in receiving bonds, family planning services, and legal services. Supportive services are provided in emergency situations when the lack of these services would directly affect the program participant's employability or ability to retain employment.

All CETA programs are available to offenders on the same basis as other target population groups.

The Housing and Community Development Act of 1974

This legislation has significantly altered federal involvement in a wide range of housing and community development activities. Title I, the Community Development section of this act, consolidated several existing categorical grant programs for community development into a new single program of community development block grant. The block grant approach is more flexible than categorical grants and delegates to the local government more decision making responsibility. However, some federal limitations on the expenditure of these funds by the local government continue to exist. The categorical grant programs terminated by this act are:

1. Open Space - Urban Beautification grants
2. Historic Preservation grants
3. Public Facility Loans
4. Water and Sewer and Neighborhood Facilities grants
5. Urban Renewal and N.D.P. grants
6. Model Cities grants
7. Rehabilitation loans

The cities of Helena and Butte received sizeable funds under some of these programs, especially Model Cities and Urban Renewal, between 1969 and 1975.

The primary objective of the Community Development funds is the development of viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities primarily for persons of low and moderate income. This objective is to be achieved through the elimination of slums and blighted and detrimental living conditions, conservation and expansion of housing and housing opportunities, increased public services, improved land uses, increased neighborhood diversity, and preservation of property with special value.

There are three basic categories for which community development funds are allocated to cities and rural areas:

1. Metropolitan cities with a population over 50,000 are allocated funds on a formula basis. This includes Billings and Great Falls.

2. Entitlement cities, which have previously received Model Cities, Urban Renewal, or one of the other categorical grant programs that were terminated. Helena and Butte are in this category.

3. Non-Metropolitan discretionary block grants. Grants to rural cities or counties usually for a specific project.

Montana Justice Project

Thirty-three representatives of the various criminal justice system associations, the legislature, the private sector, education, local government, minority groups, and the criminal justice system itself were appointed by the Governor in September, 1974, to the Montana Council on Criminal Justice Standards and Goals (Montana Justice Project). This composition was selected to provide input from all phases of Montana's criminal justice process through the establishment of five working task forces.

Five task force reports were submitted to the Council in March, 1976, for review and final adoption. Each task force reviewed appropriate national standards, and tailored them to Montana's unique needs and concerns. The following number of standards were submitted to the Council in March:

	Standards	Recommendations
Law Enforcement Task Force	22	29
Courts Task Force	60	2
Corrections Task Force	81	20
Information Systems Task Force	54	4
Community Crime Prevention Task Force	27	17
TOTAL	244	72

The Council adopted a large majority of these standards and recommendations. It was anticipated that, when implemented, they would significantly improve the effectiveness and efficiency of the Montana Criminal Justice System and thereby reduce crime in the state.

The above five reports have been printed and are available through the SPA. All criminal justice agencies within Montana and others out-of-state have received copies of all reports upon request.

In addition to the full report, each task force extracted five standards which it felt were of highest priority for immediate implementation and requested that special attention be given to those areas.

Organized Crime and Civil Disorders

Organized Crime

The state of Montana is experiencing increasingly sophisticated criminal activity, with which traditional law enforcement is often unable to contend. This is particularly true in the case of organized criminal activity which is difficult to detect and equally difficult to investigate and prosecute. These crimes include, but are not limited to gambling, extortion, frauds in public contracts, securities frauds, welfare frauds, complex consumer frauds, prostitution, upper-level narcotics traffic, organized theft, including fences, anti-trust violations, embezzlement, bribery and corruption, land swindles and subdivision fraud, insurance fraud, dishonest legal and accounting practices, and labor-business racketeering.

Many of these crimes that have been committed in Montana are now being investigated and prosecuted. Of those cases investigated and prosecuted, all have been the result of proactive investigations conducted by law enforcement agencies.

An LEAA discretionary grant has funded a special law enforcement entity whose primary goals are to investigate and prosecute organized crime in western Montana and to lead to establishment of a permanent centralized investigative prosecutive unit.

A study conducted by the SPA in 1972 on the impact of gambling has generated legislative recommendations.

Civil Disorders

Many law enforcement agencies in Montana have developed and maintain mutual aid agreements in anticipation of events that may seriously tax or overwhelm the human and physical resources of an individual agency. The mutual aid agreements involve more than one agency pledging assistance to another. Very often, three or more agencies are involved.

During the last legislative session, sworn members of the Montana Highway Patrol were given official authorization when called upon by local agencies or when they discover an obvious threat to public safety.

Refer to "Organized Crime in Montana" in Part I of this Plan.

Juvenile Justice Page Reference

The following summation refers to the page locations of all text and data in this Plan that is relevant to the juvenile justice system. Refer also to the Juvenile Justice and Delinquency Prevention Supplement and its appendices (a separate volume).

Plan Section	Page
CRIME ANALYSIS	
Population-Age Data	8,9
Seven Major Arrests by Age of Offender	19
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Drug Abuse in Montana	29ff
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Juvenile Probation Manpower Assistance (A-3)	339
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(A) Manpower	388
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(B) Attention Home (Butte)	405
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Missoula City/County Crime Attack Team	410,411,416

MANPOWER PLANS

Planning for manpower is an integral part of the overall planning for the criminal justice system. Manpower needs vary depending on level of government, responsibilities, organizational structure, resources, and demographic and geographic situations. Therefore, manpower planning is incorporated in other parts of the planning process to facilitate a continuous flow. Following is an index to the manpower picture as it relates to criminal justice planning:

Page Numbers	
80 - 88 93	A statewide presentation of law enforcement personnel; city and county law enforcement organizations and their responsibilities
95 - 134	State law enforcement organizations that provide specialized functions and support services
139 - 177	The jurisdiction and organization of the judicial branch of government; the supreme court, district courts, justice of the peace courts, city courts; judicial manpower and workloads, including cost data
188 - 200	Manpower, workloads, and costs for prosecution and defense

A problem analysis as it relates to manpower has been attempted for each area of the criminal justice system. A lack of some data has hindered some of these areas.

Page Number	Police
258-260	Manpower problems and needs
261-263	Training problems and needs
271-273	Education problems and needs
272-274	Workloads problems and needs
	Courts, Prosecution, and Defense
280-289	Workloads and resources; manpower goals, objectives, and standards
290-291	Training problems and needs

Page Number	Juvenile Justice
300-302	Manpower problems and needs
303-305	Training problems and needs
306-308	Education problems and needs
	Corrections
318-319	Manpower problems and needs
320-321	Training problems and needs
322-323	Education problems and needs
328-329	Workloads problems and needs

The ten identified high crime areas of the state and their principal cities have been covered in more detail in the appropriate section, and the state's most populous area was examined with even greater detail there.

Page Number	
46	Attendance at the Montana Law Enforcement Academy, in-service training programs
47	Number of sworn law enforcement officers, ratio per 1000 population, numbers of civilian employees
48	Entrance requirements for employment as a sworn officer
50	Criminal justice expenditures per capita
71-75	Yellowstone County and the city of Billings; manpower, budgets, resources, and organization
80-88	Law enforcement systems
95-101	Highway patrol
115-121	Montana Law Enforcement Academy
125-127	Peace Officers Standards and Training

The Montana Criminal Justice Information Systems Plan

The Research and Design Bureau of the SPA has developed a Criminal Justice Information Systems Plan for the statewide development, implementation, and operation of integrated criminal justice information systems. This Plan has been accepted by the Montana Board of Crime Control as the official State CJIS Plan. It is intended to lead to the orderly development of criminal justice information systems and the maximum use of limited resources.

The lack of reliable and accessible information about crime is a serious problem in Montana and as a result, planning, implementation, management, and evaluation of programs to reduce crime are restricted. Responsible criminal justice decision-making is further hampered by the lack of resources at both the state and local level.

The purpose of the Montana Criminal Justice Information Systems Plan is to document a method of providing information to state and local criminal justice agencies that will assist in the apprehension of criminals, the reduction of personal risk of arresting officers, the expeditious handling of court cases, and the effective treatment of offenders.

The Plan sets guidelines for all components of the state's criminal justice community for the development of an integrated statewide system of information collection and distribution. It establishes goals and objectives, defines roles and responsibilities, identifies system requirements, and develops policies and priorities for the orderly development of both automated and manual information systems pertaining to the state's criminal justice system. A five-year implementation schedule and a discussion of standards and controls for information systems are included in the Plan.

The CJIS plan has been updated to include the Offender Based State Correctional Information System (OBSCIS), which is being developed by the Department of Institutions. The CDS program will also be guided by the concepts established in the CJIS plan.

The Plan presents a challenge to the state's criminal justice agencies. State and local agencies are encouraged to develop their own criminal justice information systems plans. It is expected that this Plan will provide the basis for development of criminal justice information systems in Montana.

Refer to "The Montana Criminal Justice Information Systems Plan," a separate volume that may be obtained from the Research and Design Bureau of the SPA.

See also the introduction to this plan for Research and Design.

Technical Assistance Plan

In 1977, a comprehensive technical assistance (TA) plan was submitted to the Law Enforcement Assistance Administration, Region VIII, Denver, Colorado. The plan contained a detailed description of the planning process, needs, and resources, an action agenda, and a delivery system. The following is a description of the system that is being updated for the coming year. The 1978 TA plan will be submitted as a separate document, making it easier to work with and easier to change and update.

The technical assistance goal for Montana remains the same: to develop a comprehensive TA system which will help reduce crime and improve the criminal justice system. Four main objectives have been met toward attaining this goal.

First, the SPA developed a resource and service inventory which identifies available public and private professional technical assistance sources for state and local agencies involved in the criminal justice system. Second, the SPA provided an assessment and analysis of the TA needs and problems that have surfaced during this planning cycle. Third, the SPA set priorities for all criminal justice TA needs and described the process used to set priorities. Fourth, the SPA developed a TA delivery program, involving the planning process, to identify and respond to criminal justice system problems in Montana.

The TA process is an integral part of SPA comprehensive planning. The system includes input from the planning, grant management, financial, and evaluation advisers within the SPA staff. In order to provide for continuing TA capability, the SPA designated a staff member who is assigned to the planning staff as TA planner. That individual has a background in planning and evaluation and devotes 70% of his time to the TA function.

The TA strategy focuses attention on six categories that have been selected as the major areas for consideration: Police, Courts, Corrections, Juvenile Justice, Planning and Management, and Information Systems.

The final product of the first objective was published and distributed in 1977. The Montana Criminal Justice Technical Resource and Service Guide identifies all sources of technical information in the field of law enforcement and criminal justice. The resources thus far identified from top to bottom are national level, federal, regional, state, state regional, local, private professional, university, and

college. Each resource is identified within each of the six categories and contains the name, address, telephone number of the agency or individual, and a brief description of the service provided. The TA guide has been distributed to regional field representatives, regional councils, subgrantees, and potential subgrantees. In addition, the guide was made available to major state and local criminal justice agencies and to other criminal justice agencies upon request.

The SPA also intends to become a repository of information on all criminal justice projects that are progressing or that have been successfully completed. These include property identification projects, special training projects, and crime prevention programs. In addition, the SPA intends to become a provider of referral service to all criminal justice agencies that request a type of assistance which may be best provided by other non-law enforcement agencies.

To accomplish the second objective, the SPA Bureau of Research and Design conducted a plan input survey, gathering information from all planning regions, and arrived at an interpretation and summary of the survey data. This data is generated at the local level and is channeled through the regions to the SPA. Then, the SPA interviewed the field representatives and members of the regional advisory councils to determine the problems facing local law enforcement, identifying those areas where service to criminal justice is seriously deficient. The SPA also conducted interviews and solicited comments from SPA staff criminal justice specialists in order to integrate their ideas with those from the field. Finally, the SPA interviewed and gathered information from key persons in the Montana Department of Institutions in order to identify the problems besetting the corrections system. The immediate and intermediate needs for types of technical assistance have been discussed and assigned priority.

(1) The TA planner has worked closely with SPA staff planners/criminal justice advisers. It is his responsibility to compile the information for the criminal justice needs to determine the extent of problems and deficiencies. The TA planner is the primary coordinator for gathering, interpreting, and delivering technical assistance services.

(2) A major step in the delivery of TA services is the establishment of TA teams. The teams consist of three or four individuals, depending upon need, including the TA planner, an evaluator, a law enforcement specialist, and an

auditor. The TA teams were most effective in providing technical assistance for larger Part C new programs and discretionary grants where a pre-application and application conference were determined necessary by evaluation staff. The TA team assists in needs assessment, problem identification, goal statements and objective descriptions, data analysis, and provides basic instruction on an MBO (Management by Objective) approach to the development management of its grants and where possible, to its own operation.

Follow-up sessions were necessary to make sure that the project was going smoothly and to iron out any other problems in the operation.

The findings of the auditor gave a good indication of where financial TA could be provided. The TA auditor provided budget development where needed.

Selective monitoring by evaluators and staff representatives revealed problem areas in programs that developed through poor management. Through consistent monitoring, deficiencies were noted and remedies applied. On all new or large programs a team approach was always used.

With regard to the third objective, the basic machinery for establishing a priority system within the SPA technical assistance framework already existed in the regular planning mechanism. TA priorities have been determined from seven different sources:

1) The regional councils have relayed the needs and problems of the local units of government to the SPA staff. The regional councils provide a solid and direct source of information to the SPA and in turn have access to SPA operations, TA information, and service.

2) The Montana Comprehensive Plan for Criminal Justice Improvement is a solid resource that was used to determine priorities.

3) The SPA staff advisers and specialists, in coordination with the major committees (human resources, physical resources, planning, and information systems) provided a workable combination of knowledge and planning experience.

4) The various surveys that continue to be conducted by the SPA have revealed priority areas, providing information on jails, juvenile probation, victimization, and attitudes of both criminal justice providers and of the public.

5) Priorities emerged from the compilation and analysis of criminal statistics. The crime trend data acquired through curvilinear projections displayed areas for concern.

6) The evaluations that have been conducted by SPA staff to determine levels of performance, impact, and cost effectiveness were used extensively. Evaluations of completed projects were good standards in making comparisons.

7) The efforts of the Montana Justice Project in adopting standards and goals for the improvement of criminal justice was recognized as important. The project focused its attention upon the most critically needed standards and urged their implementation in a report to the Governor.

The fourth objective, the development of a technical assistance delivery program, was accomplished through the efforts of the TA planner, the establishment of a TA team, through a series of regional workshops, and the development and use of a TA request form. The current subgrant application was revised to reflect TA needs and deficiencies. The TA team and the planning team review and act upon the requests, building a continuing TA system.

Transferring Exemplary and Effective Services

A A specific method for transferring exemplary and effective services to other agencies and organizations has been developed and is currently being used by the Board of Crime Control. It consists of four phases:

1. A technical assistance field team has been developed and consists of SPA staff specialists and other individuals throughout the state who are currently working within the law enforcement system and who have been identified by the SPA as having invaluable knowledge or established expertise in some aspect of the criminal justice system.

2. When a particular program has become sufficiently established and the evaluation of that program shows it has a positive impact on crime or has achieved the objectives for which it was designed, the meritorious features of that program and other pertinent information is made available to other jurisdictions of comparable size and with similar problems.

3. If the other jurisdiction(s) believe that the program will help address some of its problems and if the SPA demographic data, crime statistic data, and other information shows the program to be ideal for replication, then a transfer of services will begin. All of this section is accomplished through written memoranda and formal requests in order that the process be orderly and well documented for other replications.

4. Whichever program is selected for replication or transfer, the transferring agency is contacted and requested to help in the process. The SPA staff specialists team up with the transferring agency specialists to develop a transferable model of the program for the other agency. Summaries, visual aids, format, forms, and other particulars of the program are presented to help effect its transfer. While the program selected for replication is adapted and implemented by the requesting agency to fit its unique needs, the technical assistance team will always be available to provide additional help and other follow-up as needed.

As an example, this year SPA staff specialists and a specialist from a local police department were requested to provide technical assistance to another jurisdiction in the state regarding the transfer of a program.

A presentation was made by the TA team and involved the use of results management as applied to police patrol operations, particularly in the area of manpower deployment.

The program adopted earlier by the transferring agency consists of a sophisticated, yet simple and flexible record system to determine methods of manpower distribution in police patrol operations. The system also has built-in emergency alternatives for daily operations and presents administration with a plan for a set of options for almost any circumstance.

The results of using records and patrol time analysis enable management to determine the current cost of any phase of patrol operations, and this cost can be projected to areas of patrol involving some other aspect of crime or a particular disturbance. This program is being totally adopted by the requesting agency.

B The basic methods to be used for assisting operating agencies in the development of plans for the continuation of successful projects after federal funding ceases are operational integration and cost effectiveness.

Operational integration consists of technical assistance by the SPA staff in incorporating "management by objectives" principles into the development of the project so that the project can be shown to be a needed working part of the law enforcement operation rather than a separate entity. Integration will be successful and the continuation of the project is generally assured if the project has proven to be useful to administration or if it improves some phase of the agency's line operation.

The SPA staff has technical assistance advisors who are able to determine various methods of cost effectiveness for a project in a non-technical manner that is understandable by both administrators and consumers. A number of visual displays and charts are used to show the dollar impact of a particular project upon the community and the budget of the jurisdiction. Continuation is usually assured when the budget reflects positive results for dollars expended.

C LEAA technical assistance can be provided in several areas. Technical assistance is needed in the design of correctional and law enforcement facilities. The SPA can provide the basic information usually needed, such as standards and other generalities, but assistance in construction specifics cannot be provided.

Technical assistance in administration and management has been a difficult area, particularly with regard to defining and articulating police policy and procedures. These policies and procedures in many cases are incomplete and they vary among jurisdictions.

Crime analysis and the development of information systems for law enforcement are two areas where LEAA assistance would be helpful.

The final area where assistance is needed is resource allocation or the systematic expenditure of dollars and the deployment of manpower.

D The strategy for following up the delivery of services and for determining the value of these services is very similar to the process described in the evaluation component of this plan. Extensive follow-up of technical assistance will be provided by SPA staff and the results of TA will be analyzed in terms of outcome impact, changes, and unexpected results. Field representatives and staff specialists keep a log of all contacts from initial contact through final contact. Telephone conversations, correspondence, and on-site visits complete the cycle to insure that the assistance has been completed.

JUDICIAL PLANNING COUNCIL

The immediate goal of the Judicial Planning Council is to help Montana's courts plan for the most effective expenditure of federal, state, and local court funds. Long-range goals are to systematically and carefully review new and existing projects in the courts area, adopting those suitable for Montana, and to cause Montana's courts to function as a part of a statewide system, thereby ensuring the same quality of justice regardless of the level or location of the court.

The structure of the Council is designed to permit as wide a representation, geographically and professionally, as possible without being unwieldy or expensive to operate. Most of the actual planning will be done by five task forces of five to seven members meeting every two months or as needed. Tentatively, the task force categories are: Procedures; Training and Qualifications; Sentencing and Alternatives; Prosecution and Defense; and, Administration.

The Executive Committee will give direction to the task forces and will have final approval of projects, plans, and recommendations to be submitted to the Supreme Court. It will meet quarterly and have 17 members, some of whom will also be on the task forces. The Judicial Planning Council, consisting of the members of the task forces and the Executive Committee, will meet once a year to review the final plan and formally submit it to the Supreme Court.

Because time did not permit, the Council will not submit a plan for the court component for this fiscal year. However, the court component of the Comprehensive Plan for Criminal Justice Improvement has been reviewed and is acceptable in lieu of a formal plan from the Judicial Planning Council. (See the letter on the following page.)

PAUL G. HATFIELD
CHIEF JUSTICE

State of Montana
Supreme Court
HELENA

July 29, 1977

Mr. Michael A. Lavin, Administrator
Montana Board of Crime Control
1336 Helena Avenue
Helena, MT 59601

Dear Mr. Lavin:

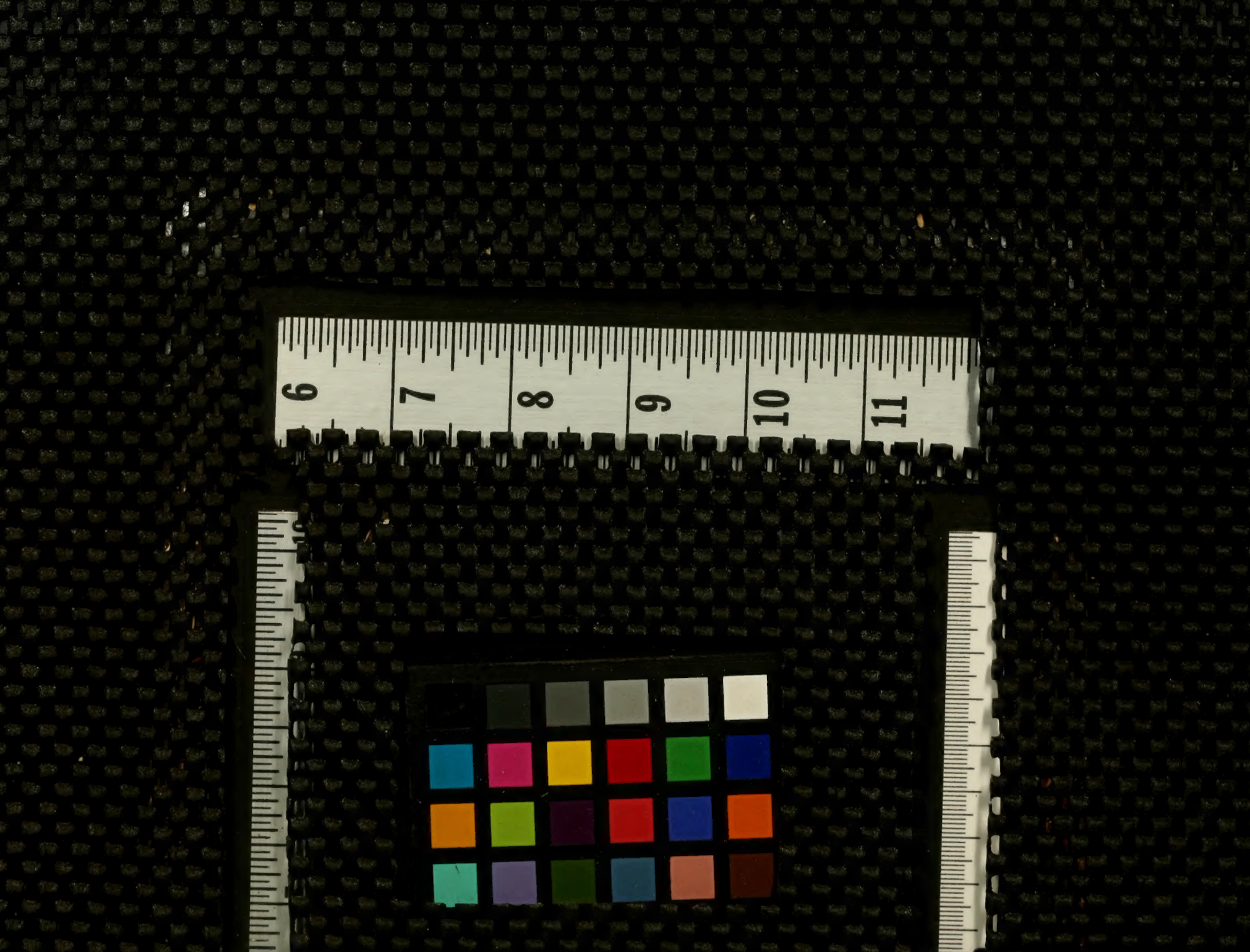
The Montana Judicial Planning Council is still in the organization stage and will not be able to submit a formal plan for this planning period. However, the court component of the Comprehensive Plan for Criminal Justice Improvement has been reviewed and is acceptable in lieu of such a plan.

The Council will be operational within a short time and will thereafter be annually submitting a state judicial plan.

Sincerely,

Paul G. Hatfield
Chief Justice

PGH:rap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